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A COMPENDIUM OF PAPERS HONORING THE TWENTY-FIFTH ANNIVERSARY OF THE OLDER AMERICANS ACT

A BACKGROUND PAPER

BY THE

SUBCOMMITTEE ON HUMAN SERVICES

OF THE

SELECT COMMITTEE ON AGING
U.S. HOUSE OF REPRESENTATIVES
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FOREWORD

The 89th Congress is the high water mark for the enactment of social legislation in the latter half of the twentieth century. The summer of 1965 saw the passage of a remarkable array of new programs, chief among them Medicare, Medicaid, Head Start, and the Older Americans Act. Strong Presidential and Congressional leadership made possible the greatest expansion in health and human service programs since the New Deal. In the twenty five years since then, Americans of all ages have benefitted from these programs for they have made the quality of life better for all of us.

The Older Americans Act occupies a unique place among the accomplishments of the 89th Congress, for it established a strong and flexible framework -- the network of state and area agencies on aging capped by the Administration on Aging -- for providing social services to older Americans. The Older Americans Act and the creation of the aging network were rooted in the 1961 White House Conference on Aging, which recommended creation of a commission on aging and a grant program to provide social services to the elderly.

The history of the Older Americans Act is one of great challenge and accomplishment. The Act has grown and adapted, through twelve reauthorizations, to meet the changing needs of

elderly people. Today, it encompasses programs that were barely thought of in 1965, but which were developed as the aging community learned more about the issues and problems, the hopes and expectations of older Americans.

In twenty five years, a network of fifty seven state agencies on aging and six hundred seventy area agencies on aging have become the foundation for the delivery of social services within a community based setting. Yet the aging network is not solely focused on providing services. It is, and always has been, a powerful and effective advocate for older Americans. The Older Americans Act is quite clear in designating the Administration on Aging as "the effective and visible advocate for the elderly within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government." This unique advocacy role distinguishes the Older Americans Act and guides the members of the aging network in their strong sense of public purpose. The aging network plays an invaluable role in ensuring that Members of Congress are aware of the needs of their older constituents. There are few Members who do not know their state commissioner on aging or the director of the local office on aging.

The nutrition programs, authorized under Title III of the Act, demonstrate the ability of the Act to expand to meet new needs. Although today these programs comprise an essential part of the aging network, they were not envisioned when the Act was passed in 1965. According to a recent Congressional Research

Service study, in FY 1988, 242 million meals were served by nutrition programs, 147 million of them in congregate settings and 95 million in the home. There has been a steady growth in the nutrition programs as meal providers work to expand their programs to more people using a combination of public and private funding.

The Act also authorizes the only surviving job creation program for adults in Title V, the Senior Community Service Employment program. The program, whose purpose is "to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons," presently provides jobs at minimum wage or higher for approximately 63,000 older Americans. Title V demonstrates that older Americans still have a great deal to contribute to the Nation and represent a pool of talent and experience that should not be ignored.

Recognizing that the human service needs of Native American elderly were not being adequately met under the existing Title III programs, Congress created a new grants program for Native Americans as a separate title in 1978. Today, Title VI provides services to American Indians, Alaskan Natives and Native Hawaiians.

After twenty five years, Congress is once again poised to reauthorize the Act. As we begin the legislative process, the Subcommittee on Human Services is holding a series of hearings to review the most recent amendments to the Act and to examine recent developments in the aging network. There are many issues for the 1991 reauthorization including the growth of

public/private partnerships in services, cost sharing, the role of the aging network in long term care, elder abuse prevention and treatment, the effectiveness of targeting services to the most needy, the dissemination of new research and program models under Title IV, and the status of the Commissioner on Aging within the Department of Health and Human Services. When the Committee on Education and Labor undertakes the thirteenth reauthorization in 1991, we hope to have helped develop a consensus on the direction of the Act into the twenty first century.

Finally, it is worth noting again that the Older Americans Act grew out of the 1961 White House Conference on Aging. As we await the 1991 Conference, we all hope that it recognizes the great resource we have in the thousands of talented men and women who have dedicated themselves to the needs of older Americans for the past quarter century. The Older Americans Act and the White House Conference on Aging are inextricably linked. We celebrate the Act here and we hope to celebrate a successful Conference which sets the agenda for the future.

THOMAS J. DOWNEY, Chairman
Subcommittee on Human Services
Select Committee on Aging

FOREWORD

We, as a Nation, are celebrating a significant event this year, the Silver Anniversary of the Older Americans Act. For a quarter of a century, the Older Americans Act has provided the strength, basic principles and the flexibility to support and affirm the dignity and independence of millions of the Nation's older persons.

Since the enactment of the Older Americans Act in 1965, both the older population and the aging network have continued to change and grow. Under the Older Americans Act in 1990, 57 State and territorial units and 670 local area agencies on aging provide -- through 25,000 service providers -- the only national network of services and programs in local communities.

With its mandate to serve all older Americans, the Older Americans Act has been reauthorized twelve times since it was enacted in 1965. These reauthorization provisions have strengthened the Older Americans Act and improved the ability of aging network to deliver a full range of services to the older population. To a frail, homebound older person, the Older Americans Act may mean home-delivered meals, homemaker services and transportation for doctor appointments. To a low-income older worker, the Older Americans Act may mean a part-time, community-service job under Title V. For others who are isolated and lonely, meals, activities and volunteer opportunities at senior centers are an important part of their lives. Elder abuse prevention and long-term care home ombudsman programs, outreach and information and referral systems, health education and

promotion -- the list goes on. Clearly, the aging network has evolved into an increasingly sophisticated system in response to the changing needs of the elderly.

Most all of us are aware of the coming demographics of the older population -- that, by the year 2030, the 65 and over population will more than double and the 85 and older age group will triple. Recent research now indicates that an estimated 4 million persons suffer from Alzheimer's disease -- 10.3 percent of people over age 65 and 47 percent of those older than 85.

The need for home and community-based services for the frail elderly, and support for family caregivers, will increasingly challenge the leadership and resources of the aging network in the coming years. Yet, because of federal fiscal constraints, Older Americans Act funding for supportive home and community based services have actually decreased in real dollars. And, as we enter the 1990s, many states and area agencies on aging face growing waiting lists of older persons who need services in order to remain independent in their own homes.

Many of the issues with which we are grappling today -- elder care, public-private partnerships, cost-sharing -- were unfamiliar concepts when the Older Americans Act was enacted twenty-five years ago. Indeed, many of the issues concerning the elderly are now becoming so complex and immense that no one sector can solve them alone.

As a keystone law, I am confident that the Older Americans Act will continue to evolve as both the fundamental structure and innovative catalyst to meet the dramatic challenges of the coming

decades. In 1990, under the leadership of the new Commissioner on Aging, Dr. Joyce T. Berry, the Administration on Aging and the aging network are taking vigorous and creative steps to meet those challenges. In 1991, as Congress reauthorizes Older Americans Act, we will be seeking a balanced framework to enhance and expand the Act's promise and public purpose mission. As the Ranking Republican on the Subcommittee on Human Services of the Select Committee on Aging, I look forward to our continuing commitment and responsibility for overseeing the Older Americans Act and assuring that it meets its goals in the 1990s.

OLYMPIA J. SNOWE,
Ranking Minority Member
Subcommittee on Human Services,
Select Committee on Aging.

CONTENTS

Foreword by Representative Thomas J. Downey, Chairman, Subcommittee on Human Services, Select Committee on Aging, U.S. House of Representatives..... iii
Foreword by Representative Olympia J. Snowe, Ranking Minority Member, Subcommittee on Human Services, Select Committee on Aging, U.S. House of Representatives..... vii
Toward a National Policy on Aging: Historical Highlights..... xiii
Hon. Edward R. Roybal, Chairman, Select Committee on Aging, U.S. House of Representatives..... 1
Hon. Matthew J. Rinaldo, Ranking Republican Member, Select Committee on Aging, U.S. House of Representatives..... 3
Hon. William J. Hughes, Chairman, Subcommittee on Retirement Income and Employment, Select Committee on Aging, U.S. House of Representatives..... 4
Hon. Marilyn Lloyd, Chairman, Subcommittee on Housing and Consumer Interests Select Committee on Aging, U.S. House of Representatives..... 7
Hon. Dale E. Kildee, Chairman, Subcommittee on Human Resources, Committee on Education and Labor, U.S. House of Representatives..... 10
Hon. David Pryor, Chairman, Special Committee on Aging, U.S. Senate..... 11
Hon. John Heinz, Ranking Minority Member, Special Committee on Aging, U.S. Senate..... 13
Hon. Edward M. Kennedy, Chairman, Committee on Labor and Human Resources, U.S. Senate..... 24
Joyce T. Berry, Ph.D., Commissioner, Administration on Aging, Department of Health and Human Services..... 25
T. Franklin Williams, M.D., Director, National Institute on Aging..... 30
Jane G. Gould, Director, New York State Office for the Aging..... 32
Prema Mathai-Davis, Commissioner, New York City Department for the Aging.... 36
Daniel A. Quirk, Executive Director, National Association of State Units on Aging..... 38
National Association of Area Agencies on Aging..... 44
American Association of Retired Persons..... 46
Dr. Daniel Thursz, President, National Council on the Aging, Inc..... 48
Michael J. Giuffrida, Administrative Director, National Association of Meal Programs..... 50
National Association of Nutrition & Aging Services Programs..... 52
National Caucus and Center on Black Aged..... 54
Burton D. Fretz, Executive Director, National Senior Citizens Law Center... 57
Eugene Glover, President, National Council of Senior Citizens..... 58
Lou Glasse, President, Older Women's League..... 59
Steve Regenstreif, Director, American Federation of State, County and Municipal Employees, AFL-CIO Retiree Program..... 61
Andrea J. Wooten, President, Green Thumb, Inc..... 62
H.T. Steve Morrissey, President, National Association of Retired Federal Employees..... 65
Adelaide Attard, Commissioner, County of Nassau, Department of Senior Citizen Affairs, New York..... 67

C O N T E N T S--Continued

John Brademas, President, New York University..... 69
Robert N. Butler, M.D., Chairman, Department of Geriatrics and Adult Development, Mt. Sinai Medical Center, New York, NY..... 72
Joseph A. Califano, Jr., former Secretary, Health, Education & Welfare..... 74
William D. Bechill, Associate Professor, School of Social Work, University of Maryland at Baltimore..... 76
Rose Dobrof, DSW, Brookdale Professor of Gerontology, Director, Brookdale Center on Aging, Hunter College of the City University of New York..... 79
Penelope A. Hommel, Executive Director, The Center for Social Gerontology, Ann Arbor, Michigan..... 84
Toshio Tatara, Ph.D., Director, National Aging Resource Center on Elder Abuse..... 87
M. Gene Handelsman, Assistant Director, Volunteer & Field Services Department, American Association of Retired Persons..... 90
Jack Ossofsky, Retired President, National Council on Aging..... 92

APPENDIX

Appendix 1. Statutes Establishing and Amending the Older Americans Act..... 97
Appendix 2. Older Americans Act and Amendments Enacted..... 98
Appendix 3. Secretaries of the Department of Health and Human Services..... 100
Appendix 4. "Older Americans Act Amendments of 1987: P.L. 100-175, A Summary of Provisions," a CRS Report for Congress..... 102

TOWARD A NATIONAL POLICY ON AGING: HISTORICAL HIGHLIGHTS

1920: THE CIVIL SERVICE RETIREMENT ACT was enacted to provide a retirement system for many government employees, including Members of the U.S. Congress and those in the uniformed and civil services.

1935: THE SOCIAL SECURITY ACT was passed and signed into law by President Roosevelt "to provide protection as a matter of right for the American worker in retirement." Major provisions included "Old Age Assistance" and "Old Age Survivors Insurance."

1937: THE RAILROAD RETIREMENT ACT was enacted to provide annuities (pensions) for retired railroad employees and their spouses.

1945: The State of Connecticut was among the first to establish a STATE AGENCY ON AGING through its designation of a "State Commission on the Care and Treatment of the Chronically Ill, Aged and Infirm."

1950: The First NATIONAL CONFERENCE ON AGING convened in Washington, D.C. sponsored by the Federal Security Agency.

1953: THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE was established in April to replace the former Federal Security Agency.

1956: A SPECIAL STAFF ON AGING was assigned coordinative responsibilities for aging within the Office of the Secretary of HEW.

1958: Representative John E. Fogarty introduced bill in Congress calling for a WHITE HOUSE CONFERENCE ON AGING.

1959: THE HOUSING ACT was enacted, authorizing a direct loan program of non-profit rental projects for the elderly at low interest rates. Provisions also reduced the eligible age for public low-rent housing for low-income older persons to age 62 for women and age 50 for disabled individuals.

1960: SOCIAL SECURITY AMENDMENTS made a number of changes in the law, including a) eliminating "age 50" as a minimum to qualify for disability benefits, and b) liberalizing the retirement test and the requirement for fully insured status.

1961: First WHITE HOUSE CONFERENCE ON AGING convened in Washington, D.C.

SOCIAL SECURITY AMENDMENTS lowered retirement age for men from 65 to 62; increased minimum benefits paid; broadened program to include additional categories of retired persons; increased benefits to aged widows; and liberalized the retirement test.

1962: LEGISLATION PROPOSED BY Senator McNamara and Representative Fogarty calling for the establishment of a permanent and independent 3-member COMMISSION ON AGING attached to the Presidency to serve as the focal point within Federal government for developing national policy. More than 160 BILLS INTRODUCED IN CONGRESS related to the aged and aging--EIGHT WERE ENACTED.

1965: MEDICARE health insurance program for the elderly was legislated. Financed through the Social Security system, the enactment culminated years of "extensive and comprehensive efforts at the Congressional level."

THE OLDER AMERICANS ACT was passed and signed into law by President Johnson on July 14. Major provisions included establishment of ADMINISTRATION ON AGING within DHEW and grants to States for community planning, services and training. The Act also stipulated that STATE AGENCIES ON AGING be established to administer the programs.

"Community Service and Continuing Education Programs" were authorized under the HIGHER EDUCATION ACT OF 1965. Emphasis was directed to solving community problems in urban and suburban areas and to expanding available learning opportunities for adults not adequately served by educational offerings in their communities.

SOCIAL SECURITY AMENDMENTS established Title XIX, "Grants to States for Medical Assistance."

1967: AMENDMENTS TO THE OLDER AMERICANS ACT extended its provisions for two years and directed AOA to undertake a study of personnel needs in the aging field.

AGE DISCRIMINATION ACT OF 1967 was passed and signed into law by President Johnson.

THE ADMINISTRATION ON AGING was removed from the Office of the Secretary of HEW and placed in a newly created SOCIAL AND REHABILITATIVE SERVICE AGENCY (SRS) within the Department.

1969: AMENDMENTS TO THE OLDER AMERICANS ACT extended its provisions for three years and authorized the use of Title III funds to support AREAWIDE MODEL PROJECTS.

1971: Second WHITE HOUSE CONFERENCE ON AGING convened in Washington, D.C.

1972: THE NUTRITION PROGRAM FOR THE ELDERLY ACT was passed and signed into law by President Nixon (redesignated Title VII of the Older Americans Act, as amended in 1973.)

1973: THE OLDER AMERICANS COMPREHENSIVE SERVICE AMENDMENTS established AREA AGENCIES ON AGING under an expanded Title III authority. Amendments also authorized the use of Title III grants for model projects, senior centers and multidisciplinary centers of gerontology, added a new Title IX, "Older Americans Community Service Employment Act", authorized funding for Title VII nutrition projects, and extended the Act's provisions for two years.

THE DOMESTIC VOLUNTEER SERVICE ACT was passed and signed into law by President Nixon on October 1. Major provisions included the RSVP and Foster Grandparent programs. Title VI of the Older Americans Act, as a result, was later repealed.

THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA) was enacted "to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons, including those facing barriers to employment commonly experienced by older workers."

1974: AMENDMENTS TO THE OLDER AMERICANS ACT added a special TRANSPORTATION program under Title III "model projects."

THE HOUSING AND COMMUNITY DEVELOPMENT ACT became law on August 22. Major provisions included a directive to the Secretary of Housing and Urban Development (HUD) to consult with the Secretary of HEW to ensure the acceptable provision of low-income housing for the elderly or handicapped, pursuant to the U.S. Housing Act of 1937.

SOCIAL SECURITY AMENDMENTS authorized Title XX, "Grants to States for Social Services." Among the programs which could be supported under this provision were: protective services; homemaker services; adult day care services; transportation services; training; employment opportunities; information and referral; nutrition assistance; and health support.

Congress authorized the establishment of the NATIONAL INSTITUTE ON AGING (NIA) on May 31 "to conduct and support biomedical, social and behavioral research and training related to the aging process and the diseases and other special problems and needs of the aging."

Title V, "Farm and Rural Housing" program of THE NATIONAL HOUSING ACT OF 1949 was expanded to include the RURAL ELDERLY as a special target group.

1975: AMENDMENTS TO THE OLDER AMERICANS ACT added new language authorizing the Commissioner on Aging to make grants under Title III to INDIAN TRIBAL ORGANIZATIONS. For the first time, PRIORITY SERVICES were mandated (transportation, home care, legal services and home renovation/repair). Amendments also made minor changes in Title IX, "Community Service Employment for Older Americans."

THE AGE DISCRIMINATION ACT OF 1975 was passed and signed into law by President Nixon. It specifically excluded from its purview age discrimination in employment except as it related to participation in government funded employment programs.

1977: AMENDMENTS TO THE OLDER AMERICANS ACT authorized changes in the Title VII nutrition services program, primarily related to the availability of surplus commodities through the U.S. Department of Agriculture.

1978: THE COMPREHENSIVE OLDER AMERICANS ACT AMENDMENTS OF 1978 consolidated Titles III, V and VII (social services, multipurpose centers and nutrition services, respectively) into one Title III; redesignated the previous title IX (Community Service Employment Act) as Title V; and added a new Title VI, "Grants for Indian Tribes."

THE CONGREGATE HOUSING SERVICES ACT was passed and signed into law on October 31. Major provisions authorized the Secretary of Housing and Urban Development (HUD) to enter into contracts with local public housing agencies and with nonprofit corporations to provide congregate services programs for the purpose of promoting and encouraging maximum independence within a home environment for individuals capable of self-care.

AGE DISCRIMINATION IN EMPLOYMENT ACT AMENDMENTS OF 1978 were passed containing provisions reflective of the recommendations of the U.S. Civil Rights Commission which showed that the Age Discrimination Act of 1975 had been interpreted to allow discrimination in employment, which was clearly not the intent of Congress.

1981: AMENDMENT TO THE OLDER AMERICANS ACT extended its program for three years through September 30, 1984.

1984: AMENDMENTS TO THE OLDER AMERICANS ACT clarified the roles of State and area agencies on aging in coordinating community-based services and in maintaining accountability for the funding of national priority services (legal, access and in-home services); increased the flexibility in administering programs by providing for increased transfer authority between Parts B and C of Title III; a new Title VII was added providing for an Older Americans Personal Health Education and Training Program for funding grants to institutions of higher education and to develop standardized programs of health education and training for older persons to be operated in multipurpose senior center facilities, and; the program was extended for three years, through September 30, 1987.

1987: AMENDMENTS TO THE OLDER AMERICANS ACT contained no major overhaul of the Act; however, a number of new provisions significantly expanded certain service components of State and area agency programs under Title III to address the special needs of certain populations. These include in-home services for frail older individuals; long-term care ombudsman services; assistance for special needs; health education and promotion services; services to prevent abuse, neglect and exploitation of older individuals; and outreach activities for persons who may eligible for benefits under the Supplemental Security Income, Medicaid and Food Stamp Programs. The Older Americans Act Amendments of 1987 provided a four-year reauthorization of the Act, through 1991.

STATEMENT OF REPRESENTATIVE EDWARD R. ROYBAL, A MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA; AND CHAIRMAN, SELECT COMMITTEE ON AGING, U.S. HOUSE OF REPRESENTATIVES

As Chairman of the Select Committee on Aging, I am pleased to have this opportunity to salute one of the most effective programs for American seniors, the Older Americans Act.

This year marks the twenty-fifth anniversary of the passage of the Older Americans Act. Over the last quarter century, the basic supportive and nutritional services which have been established through this legislation have enhanced the quality of life of seniors in every corner of our nation, helping them remain active, productive members of their communities.

The primary goal of the Older Americans Act is indeed to provide those elderly in the greatest social and economic need with an array of social and human services which will help them live lives of independence and dignity. One program which perfectly embodies that goal is the nutrition program, begun in 1972.

The Nutrition Program for the Elderly has greatly improved the quality of life for countless older Americans. Because of this one facet of the Older Americans Act, elderly men and women who were isolated and lonely, and who lacked the ability to purchase fresh foods and prepare meals for themselves, now gather together in community settings and derive the sustenance that comes from a well-balanced meal and the emotional satisfaction that comes from being in a social setting.

Home-delivered meals, also available under this program, have become a mainstay in the lives of the homebound elderly. This group appreciates the nourishment of a well-balanced meal and the added gift of a visit by the volunteer delivering the food.

Another very successful Older Americans Act program is the Community Service Employment Programs, authorized under Title V. This program provides critically needed part-time community service jobs to unemployed low income seniors. Not only has this program succeeded in providing employment assistance to a number of seniors in need, it has provided communities with significant assistance through the efforts of older workers.

The Older Americans Act has been so successful because it has been flexible. In its 25 years, it has expanded significantly to include such diverse programs as the Area Agencies on Aging, funding for congregate housing, legal assistance, rural day care, the Retired Senior Volunteer Program and grants to Indian tribes. I hope that we in the Congress will continue to be responsive to the changing needs of America's elderly through the Older Americans Act.

For example, with the recent resurgence of interest in elder abuse, I would like to see funds appropriated to go with a 1989 authorization for a national program on elder abuse under the OAA. Here again, we have an issue which, if left unchecked, greatly interferes with the independence and general quality of life of the elderly. After a decade of Congressional documentation on the tragedy of elder abuse, we need to back our good intentions with dollars. I am hopeful this will happen in the near future.

I will continue to advocate increasing minority participation in OAA programs. Data indicates that there has been a steady decline in the minority participation rates in the '80's. Advocacy and outreach between local minority groups and community based services needs to be strengthened. Technical assistance to overcome barriers and compete for grants needs to be made available, as well as intergenerational outreach efforts. I advocated for changes in this area during the 1987 reauthorization and will do so in 1991.

We in the Congress need to be vigilant about funding for the myriad programs of the Older Americans Act. Although Federal funds appropriated for these programs have grown from approximately $6 million in 1965 to over $1 billion in 1990, the Older Americans Act programs, which have increased in number, have already sustained their share of budget cuts. I have no doubt of the strong commitment of Congress to meeting the needs of America's ever-growing senior population. But to serve this burgeoning group effectively, we must make sure that all services are available to all in need.

I take great pride in my support of the Older Americans Act and congratulate all who have cared enough to fight for its noble goals and objectives through the years. Although we can easily measure how much money has gone into the program, it is impossible to measure the Act's huge benefit to the lives of millions of elderly people and to society at large. I am pleased that those many people have been lifted up, experiencing a greater degree of independence and dignity for having been touched by OAA programs. After 25 years, let us all recommit to even better service for even more of our elderly through the Older Americans Act.

EDWARD R. ROYBAL, CA
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RICHARD A. VELOZ, M.P.H., J.D.
STAFF DIRECTOR

U.S. House of Representatives
Select Committee on Aging
Washington, DC 20515
Telephone: (202) 226-3375

MATTHEW J. RINALDO, NJ
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The 1990 Silver Anniversary of the Older Americans Act marks an important milestone. Since Congress passed the Older Americans Act in 1965, millions of older persons have benefitted from its numerous programs.

The accomplishments of the Older Americans Act are well documented: an aging network that provides some 9 million older persons with independence at home or in a community setting; nutritional programs that provide seniors with daily meals that might otherwise only be served in a confined institutional setting; worthwhile part-time employment opportunities for low-income seniors; and further, a new array of programs that provide services to targeted senior groups.

The greatest strength of the Older Americans Act has been its ability to adapt and respond to the shifting demands of the elderly population. From the original legislation in 1965, to the most recent reauthorization in 1987, the essence of the law has remained intact: to assist senior citizens in the greatest economic and social need and help them remain independent and active members of their communities.

I am pleased to join my Colleagues on the Select Committee on Aging and the members of the Subcommittee on Human Services to the commemorate the 25th Anniversary of the Act. In addition, I would also like to congratulate all the Administration officials, service providers, and senior citizens who have contributed to the Act's success over the years.

MATTHEW J. RINALDO
Ranking Republican Member,
Select Committee on Aging

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STAFF DIRECTOR
(202) 226-3339

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714 HOUSE OFFICE BUILDING ANNEX 1
Washington, DC 20515

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ANN E. O'DONNELL
ASSISTANT STAFF DIRECTOR
(202) 226-3338

April 24, 1990

The Honorable Thomas J. Downey
Chairman
Subcommittee on Human Services
811 House Annex I
Washington, D.C. 20515

Dear Tom:

Per your request of March 20th, I am enclosing a copy of remarks to be included in your compendium of papers commemorating the Silver Anniversary of the Older Americans Act.

I think it is an excellent idea to honor the Act in this way and to take the time to renew our commitment to maintaining its mandate and structure. Please let me or my Subcommittee staff know if you need any further assistance in this effort. I have asked Brian Lutz, Subcommittee Staff Director, to be responsible for any follow-up assistance your staff may need.

I commend you for the leadership you have shown in already holding a number of important hearings on issues related to next year's reauthorization of the Older Americans Act. I look forward to working with you as these issues develop further.

With best wishes, I am

Sincerely,

William J. Hughes
Chairman

"The Silver Anniversary of the Older Americans Act"

Remarks of

The Honorable William J. Hughes, Chairman

Subcommittee on Retirement Income and Employment
House Select Committee on Aging
May 1990

When President Lyndon Johnson signed the Older Americans Act into law on July 14, 1965, he appropriately described this legislation as "seed corn" which would provide an "intelligent and constructive program of both services and opportunities for older citizens in every State and community."

Now, twenty-five years later, I am sure that even President Johnson would be surprised at how successfully this "seed corn" has grown and matured in virtually every environment and community throughout the country. From rural areas in the West, to the Nation's inner cities, to the small towns in my district in southern New Jersey, countless individuals have had their lives enriched by the opportunities and services provided through the Older Americans Act.

Perhaps one of the greatest accomplishments of this "seed corn" is that it has developed to the point where it now serves as the backbone and inspiration for a whole host of complementary state and local programs and legislation. A good number of the excellent public and private programs serving older individuals in New Jersey and in other states can trace at least part of their roots to seeding from the establishment of the Older Americans Act.

While I have had the pleasure of working with my colleagues on both sides of the aisle to help shape the Act's national agenda, it is the substantial numbers of dedicated and innovative people working in community after community who have brought the Older Americans Act to life, and who have made it into one of the most successful of all Federal programs.

I believe that one of the Act's greatest strengths is that it is comprised of a strong and coordinated national network which is flexible enough to allow creative and energetic persons of all ages develop services that are relevant to local needs. While efforts are made under the Act to serve those older persons with the greatest social and economic needs, its programs also play an important preventative role by serving all types of older citizens. I strongly believe that this varied approach not only makes good common sense, but it is very cost-effective in the long run.

In short, for twenty-five years the Older Americans Act has been providing people with both the resources and the opportunities for helping older individuals maintain dignity and independence in their homes and communities. It is represented by the 80 year-old woman who takes home-delivered meals to individuals who are too frail to prepare their own food. It is the social service provider who counsels people who are grieving so that they do not let their own health care needs slide. It is the nursing home ombudsman who takes the time to look into and protect the needs of a stroke victim. It is the older unemployed person who, by enrolling in the Senior Community Service Employment Program, starts out working at a cash register in a senior center and ends up getting a job leading the center's activities.

As we move into the second twenty-five years of the Older Americans Act, we must not become complacent and think that these varied successes and programs will operate effectively without adequate resources. While the Act is successful in leveraging local programs and volunteer assistance, many of us can already see the stress in our communities of a growing older population being served by stagnant or declining Federal resources.

In addition, I am also concerned by those who seek to attack the very heart of the program by proposing that we stigmatize or exclude participants by requiring means testing or mandatory fees for services. We must find better ways for our older citizens to participate, rather than looking for ways to exclude them.

We must also continue to include and implement preventative services under the Act which are provided before the onset of more costly and serious problems. This strategy will not only be more humane, but it will be cost-effective for the taxpayer.

Finally, we must work to improve the racial and ethnic diversity of the population served by the Older Americans Act. Many of us on the Select Committee on Aging are very alarmed by data which reveal that minority participation rates in the program's services have declined over the past few years.

We have come far from 1965 when Title III of the Act was authorized for a total of $5 million. President Johnson noted that although the resources are modest, the Act would "make it possible for us to move faster where we have already started, travel new ways where old ways have not worked, and permit new beginnings where none have been made before."

Given the growing need, the resources are still modest. However, the challenge we all face is to build on the great successes of the past twenty-five years and develop innovative ways to "permit new beginnings." The Select Committee on Aging will continue its active role to ensure that the integrity of the Older Americans Act is maintained. As always, we will need the wisdom, input, and participation of the aging network if the "seed corn" is to continue to flourish.

STATEMENT OF REPRESENTATIVE MARILYN LLOYD, A MEMBER OF CONGRESS FROM THE STATE OF TENNESSEE; AND CHAIRMAN, SUBCOMMITTEE ON HOUSING AND CONSUMER INTERESTS, SELECT COMMITTEE ON AGING, U.S. HOUSE OF REPRESENTATIVES

As Chairman of the Subcommittee on Housing and Consumer Interests, it is an honor to have the opportunity to make a few remarks regarding the twenty-fifth anniversary of one of the most successful Federal service initiatives of all time, the Older Americans Act of 1965 (OAA). Before I comment on this auspicious occasion and the Act's millions of small and large success stories, I want to commend Chairman Downey for his commitment to protecting the goals and programs of the Older Americans Act and for working toward the necessary funding we require to serve those who are still in need. Those of us on the Aging Committee look to Chairman Downey for leadership as we advocate for the OAA programs, and we have not been disappointed.

As I reflect on my sixteen years in the House of Representatives and on the Aging Committee, I remember the many reauthorizations of the Older Americans Act and the evolution of the types of services and the tremendous growth in the number of older adults that are served. Today, millions of older adults across our diverse Nation receive services from the Older Americans Act. In many cases these services such as transportation, nutritional meals, in-home assistance, senior center activities, employment opportunities, and many more, make that very significant difference for the individual who receives them - the difference between living independently and living in an institutional setting.

In the last two and one half decades we have seen the development of an excellent network throughout the Nation - from the State units on aging to the area agencies on aging to the direct services providers - we have much to be proud of and we have some exciting challenges ahead of us. During this year of celebration, recognition must go out to thousands of individuals, including services providers, older adults, and Members of Congress for planting the seeds and caring for this program as it has grown. The late Claude Pepper comes to mind as one of the greatest advocates for the Older Americans Act; he introduced the original legislation to create the nutrition program and the elder abuse section of the Act, which benefit millions of elderly persons.

I want to offer an optimistic viewpoint for the future as we celebrate the past. To begin, we are extremely fortunate to have Joyce Berry as the Commissioner of Aging. She has already made an impressive impact on the aging network by revitalizing their interest in improving the programs of the Act and in participating

in that process. In addition, there have been very positive signs that the reauthorization process next year will be thoughtful and comprehensive with participation from many organizations and individuals.

We should be proud of the Older Americans Act and what it has accomplished, but we must not be content with those successes. There are millions of older adults, many in poverty, who still cry out for some assistance or who are struggling, but feel they are too proud to ask for our help. We need only to look at the Act to see that we have not completed our mission. For example, Congress has not fully funded supportive services, nutrition services, in-home care, and the long-term ombudsman program that we have authorized, and we have failed to provide even one dime for the elder abuse prevention activities under Part G of the Act. It must be our goal in this next decade to better educate the appropriations committees about the critical need for more OAA funding.

One of my personal goals for the Act is that the network expand further its outreach into Federally-assisted housing projects, including Section 202 projects and public housing projects for the elderly. Many of the residents of these facilities can avoid unnecessary institutionalization if supportive services are provided. In the long run, providing services saves the Federal Government and states millions of dollars in Medicare and Medicaid nursing home costs.

Intergenerational programming is another area that I believe should be expanded under the Act during the next reauthorization. I have been developing legislation to fund congregate meals sites in school facilities where older adults will have the opportunity to serve as tutors, teachers aides, living historians and in other volunteer support roles. This will increase the number of meals being served to older Americans and provide more social interaction, while at the same time providing a much needed setting for intergenerational activities. We know that there is a need for additional meals sites to attract new participants and to better target services toward those with the greatest economic and social need. And during a period when the elderly are being unfairly criticized for having too much wealth, it is important to foster opportunities for the elderly to give of themselves to young people.

In closing, I want to thank all of those individuals who have made the Older Americans Act a twenty-five year success story and commit myself to doing all that is possible to keep this wonderful program alive and growing during the next twenty-five years. Through its many changes and fluctuating funding levels, the Older

Americans Act lives on as a compassionate, successful, and broadly-supported Federal program to assist those in the twilight of their years to live with dignity.

Honorable Dale E. Kildee
25th Anniversary of the Older Americans Act

Long viewed as the major vehicle for the organization and delivery of social services to the elderly, the Older Americans Act and the programs it authorizes are among the most popular operating in the federal government today. Whether it be through a congregate or home-delivered meal, participating in senior center activities, receiving nonmedical in-home assistance, or finding a job through the Senior Community Service Employment Program, the Older Americans Act has been successful in helping elderly persons remain active and independent participants in their own communities.

This silver anniversary not only marks the completion of 25 years of successful operation, but serves as a new beginning. Meeting the social service needs of a greatly increasing aging population is the challenge for the future and the Older Americans Act, through its wide array of authorized services, is poised to respond to those needs. The Older Americans Act currently has in place a sophisticated aging network which has evolved and become more effective through the years. This network of state and area agencies on aging and service providers have demonstrated their effectiveness in carrying out the mandates of the Older Americans Act.

Through Title III of the Act, over 240 million meals were provided to elderly individuals in 1988 with almost 40 percent of those meals delivered in-home. Additionally, numerous elderly persons were assisted with transportation needs and legal assistance.

Title III-D of the Act provides non-medical in-home services to frail elderly persons who may need assistance with performing activities of daily living such as bathing, dressing, cooking a meal or doing light housework. Increased funding for this provision, which I introduced in the 1987 Older Americans Act reauthorization, will be a priority as the number of elderly living past the age of 85 is increasing.

Title IV, through the awarding of research and demonstration grants, has not only served to greatly expand our base of knowledge on the aging process, but has provided detailed information on issues affecting the elderly such as employment, health, and housing. Many individuals have also received training in the field of aging through this Title.

Title V supports almost 64,000 positions to provide low income elderly with meaningful employment opportunities. These seniors, many working with other older individuals, are able to supplement their incomes while improving important services to the communities in which they live.

1991 will be an important year for the Older Americans Act as it is scheduled to be reauthorized. We will work to further tailor the Act to the needs of a changing population.

Statement of
The Honorable David Pryor
Chairman, Special Committee on Aging
On The
25th Anniversary of The Older Americans Act

The Older Americans Act Shows Its Silver Lining

The Older Americans Act was signed into law during my first term in Congress. In reflecting upon the past 25 years, it is safe to say that the Act has been a tremendous success. Today, an aging network -- consisting of units on aging in each of the 50 states, 670 area agencies on aging, and 25,000 service providers -- is working together to offer a wide range of social services to the elderly. Although virtually static funding over the past 10 years has strained the Aging Network, it remains a viable and needed force in the lives of older Americans.

A remarkable feature of the Older Americans Act is the diversity of services that are provided to senior citizens. Unlike many complex federal benefit programs, this Act places trust in the creativity and resourcefulness of state and local agencies to address the diverse needs of their communities.

However, I believe that one theme ties these many diverse services together: the Older Americans Act is a hand that helps elderly persons maintain independence and dignity. This helping hand can be seen in many ways and in many places across our nation:

-- A helping hand that delivers hot meals to a senior citizen determined to remain in her own home;

-- A helping hand to defend and assert the legal rights of an elderly woman who is striving to keep her apartment;

-- A helping hand to guide an elderly man through the bureaucratic maze of federal benefit programs;

-- A helping hand from an ombudsman to advocate on behalf of a nursing home resident whose rights and dignity have been violated;

-- A helping hand to assure that minority elderly persons are treated with the fairness and respect that is their birthright;

-- A helping had extended to an elderly father and his daughter who need information about human services programs available in their community; and

-- A helping hand to obtain meaningful employment for an older man who needs to supplement his income.

Of course, this is just a sampling of the diverse and creative services offered through the Older Americans Act. But, these examples illustrate what, I submit, should be the guiding principle of the Older Americans Act: helping senior citizens maintain or restore their independence and dignity.

As we look toward the 1991 reauthorization of the Older Americans Act, I hope we can improve upon the statute's ability to assist older Americans in achieving independence and dignity. Perhaps more fundamentally, though, I hope we can ask whether the Act works as well as it could, and whether it continues to be appropriate for the needs of older Americans in the 1990's.

The Older Americans Act:
A Symbol for Older Workers
by Senator John Heinz

In 1990, we celebrate the silver anniversary of one of this country's most important pieces of social legislation: The Older Americans Act. Our celebration reaffirms our commitment to one of America's most valued resources -- its older citizens -- and underscores our need to encourage rather than discourage their participation in the work force. No single legislative initiative has helped more seniors reclaim jobs and regain their productivity than the Senior Community Services Employment Program, funded by Title V of the Older Americans Act.

The Senior Community Services Employment Program provides funding for part-time jobs for low-income people age 55 or older. With Title V appropriations, over 65,000 elderly poor -- senior citizens with incomes less than 125 percent of poverty level -- work an average of 24 hours a week. Nearly half are between the ages of 55 and 64; more than 25 percent are 70 or older. And, nearly 70 percent of the participants are women.

These are among our most economically vulnerable seniors, who are anxious to buffer themselves against poverty through gainful employment. They are provided the means to supplement their livelihoods by their own initiative, and their modest earnings cushion the nightmare of unrelenting poverty.

Not only do Title V workers help themselves, but many are

engaged in service to the community. At least half provide needed support services in senior centers, congregate meal sites, home care, outreach and transportation. By their role in these community programs, Title V workers become seniors helping seniors -- while they help themselves.

Other Older Americans Act programs also have provided opportunities for the community to work together, to improve the quality of life for senior citizens. The congregate and home delivered meals programs, for example, have assured millions of seniors of receiving at least one nutritionally sound meal each day. The dedicated people administering such programs and the thousands of volunteers who deliver meals to home-bound seniors are a special cause for celebration today.

Even as we proclaim the achievements of the Older Americans Act, however, we must not forget that a long road stretches before us, toward a viable system of community-based health care services as an alternative to institutionalization. Nor can we forget the special vulnerability of frail and disabled elderly who continue to live in the community: there is much to be done to assure the safety and security of those who bolt their doors in fear of the scourge of crime in their neighborhoods.

We must not forget that despite Title V and the 1986 mandatory retirement victory, we have not ended age discrimination in employment. We must go beyond the Older Americans Act to provide work incentives and protection for the rights of all older Americans who choose to continue to work. We must embrace policies which endow older men and women with more genuine opportunities for self-fulfillment, shattering the false and corrosive stereotypes that older people are somehow a burden on our society.

The Graying of America

As a nation, we fail to utilize effectively the talents and skills older persons bring to the work force. This is particularly troubling given the fact that we are a graying nation: today, more than 30 million of our population is age 65 and older. By the 21st century, over 34 million will be age 65 and older; and by the year 2025, one out of every three Americans will be age 50 and older. And, as our society grows older, so does the work force. By the year 2000, the fastest growing segment of our work force will be between the ages of 45 and 54 -- nearly doubling in number during the decade of the 1990s.

These demographic changes make the older worker even more valuable. While America's industries need a growing number of even more highly skilled and motivated workers to remain competitive, our pool of young, skilled workers in shrinking. By the year 2000, nearly 18 million new jobs will open, but there will be 15 million fewer young people entering a job market to fill them. This labor shortage will be compounded by a widening gulf between the skills workers have and those employers need. Clearly, we can retain our older workers without closing off employment opportunities for younger workers.

The labor shortfall will challenge the wisdom of attempting to support a growing population of retirees. If many older Americans continue to work, however, we can protect future workers from a crushing burden of Social Security and Medicare taxes, and generate tax revenues for programs which meet the needs of frail and disabled. By retaining in the work force those older workers who want to work, tax revenues in the next century could be increased by almost $40 billion.

Looking to the Older Worker & the Future

Such a policy would reflect the preferences of older Americans. Although many want to retire, a surprisingly large number express an interest in continuing some form of productive work. A recent Commonwealth Fund survey showed that almost 1.1 million retired workers age 55 and older want to return to work, preferably to part-time or seasonal work. Of those surveyed, over half of the retirees would have preferred to continue working rather than retire fully.

Unfortunately, there are currently few alternatives to full retirement. Seniors are discouraged from work by pension disincentives, social security earned income limits, management misconceptions and stereotypes, and limited job opportunities. When satisfying kinds of employment are unavailable or too costly, early retirement is the only alternative.

Low Unemployment Masks The Real Problem

Low unemployment rates hide the employability problems of older workers: finding a job is seldom easy. Studies show that older workers take longer to find another job. On the average, workers between the ages of 55 to 64 are out of work for 22 weeks -- twice as many weeks as workers between the ages of 20 to 24. Older workers also suffer more discouragement and economic hardships while looking for work, and tend to abandon the job search out of frustration. The Bureau of Labor Statistics reports that the prospects of an older male worker finding work are so low that he is three times more likely to become

discouraged than the younger worker.

The employment picture usually includes economic hardship. Because older job seekers are more likely to be unemployed for longer periods of time, they also are more likely to exhaust unemployment benefits. Even those who do find jobs may face sizable cuts in income compared to their previous earnings.

Retiring "Old" Myths

It is ironic that, despite results of one study after another, some members of Congress and the business community still stereotype the older worker as an unproductive and unneeded worker. This misconception is a thorn in the side of the American economy, sapping the strength of future economic growth. It results in public policies and industry practices which sideline our most experienced players, and has a devastating impact on older people deprived of their jobs.

Old myths, however, die hard. For example, most employers accept the fact that older workers can be trained, but many refuse to invest in training programs because they believe older workers will retire before their companies can reap sufficient benefits from the training. However, a 1988 Conference Board study found that updating the skills of older workers was nearly one-third less expensive than hiring new workers schooled in the latest technologies. In addition, there is evidence the older worker is more likely than a younger one to stay with one employer, rather than taking new skills in search of a better paying job.

We must abandon our stereotype of older workers as too old to learn, too sick to work, too set in their ways to change. Rather than retiring the older worker, it is time to retire some old myths.

Myth One: Performance Declines with Age

Chronological age repeatedly has been shown to be a poor indicator of job performance. On the contrary, an older individual's performance rarely declines far below the level of performance in his or her younger years unless illness or injury intervenes. Also, because of greater motivation and experience, an older worker frequently can out-perform a younger worker. Employers now give older workers high marks for productivity, attendance, commitment to quality, and work performance. What an older worker may lack in physical stamina is regained in experience, work habits, and emotional maturity.

Myth Two: Older Workers Take More Time Off

In fact, the opposite is true. Numerous studies, by AARP and other researchers, show that workers age 55 and older take less time off than any other age group. For example, Polaroid found that their staff members aged 65 and over had perfect attendance more frequently than staff under age 65. Similar findings resulted from an internal survey at Bankers Life and Casualty Company, indicating that older staff had perfect attendance twice as often as younger staff members. Another study

confirmed the good record, stating that fewer older workers take sick time simply because it has accrued.

Myth Three: Older Workers Have More Accidents

Actually, younger workers are more accident prone than older workers. Studies conducted by the AARP show that workers 55 and older have fewer accidents than younger workers. A Bureau of Labor Statistics study of worker's compensation claims agrees: workers age 20 to 24 have the highest accident rate. Over age 24, accident rates begin to decline with the sharpest drop for employees age 65 and older.

Myth Four: Older Workers Will Leave Their Jobs Sooner

On the contrary, employers find that their older workers stay on the job longer than younger workers. An AARP study reported that employees aged 20 to 30 stay with a company only 3.4 years while those aged 50 to 60 stay for an average of 15 years. Similar data from the Bureau of Labor Statistics confirms the greater mobility of younger workers. Because the turnover rate is lower for older workers, the high costs of recruiting and training are reduced.

Myth Five: Old People Are Less Adaptable

What a younger worker may view as "intractable" thinking in an older worker is most likely "cautious" thinking bred from past experiences - a virtue we all can learn from. Older workers may sometimes appear less adaptable, because they are sufficiently

confident and knowledgeable to voice objections to a proposed course of action they feel will fail. IBM executives found that employees over age 45 were actually more flexible then younger employees in conforming to job changes.

Myth Six: Older Workers Are Just Waiting to Retire

Studies show that older workers have higher job satisfaction than younger workers: the older workers have greater pride in their work; greater commitment to the "idea" of work; are more interested in other "intrinsic" factors besides money; and find the work itself more rewarding. This attitude promises a motivated and productive employee.

Myth Seven: Older Workers Take Away Jobs From Younger Workers

This assertion is seldom true now, and does not reflect the job market of the 1990's and beyond. Under present policies, too few older workers are active in the work force to create serious competition. The Urban Institute reports that its labor force models show an insignificant increase of older workers in the labor force, less than 0.2 percent, with the elimination of mandatory retirement. In the future, labor shortages and growth in industry will prevent direct competition between younger and older workers. The Urban Institute also found little evidence to support the theory that increased participation by older workers in the labor force would seriously affect job opportunities and promotions of younger workers.

Myth Eight: Older Workers Don't Learn

When training is designed to take into account the special perspective of the older worker, it is usually effective. According to Anthony Carnevale, chief economist and vice president for government affairs for the American Society for Training and Development, training for older workers should be designed to take advantage of their experience and knowledge. Older workers, he says, want training delivered by less formal methods, which can be self-directed. The educational goals should be concrete, and compliment their prior experiences.

Rehiring the Older Worker

Because the work force is getting older, employers must begin to shift their focus to the development and training of middle-aged and older workers. We must create a greater variety of work opportunities for older workers and incentives for seniors to choose to work, including appropriate levels of compensation. Simultaneously, we must maintain employment opportunities for younger workers. We as a society must recognize that older workers are productive, committed to quality, and invaluable for their knowledge and experience.

Employers are beginning to hire and rehire older workers, and to offer work patterns which meet their needs. Companies are providing part-time work, job sharing, and more flexible hours. The AARP has documented almost 400 programs and practices that provide innovative options for older workers, including retiree employment pools and banks, older worker rehiring programs,

phased retirement, and training programs. Most often, companies offer part-time work, job sharing, and more flexible hours. These programs are likely to continue. According to a University of Michigan study, many programs initiated for altruistic motives are continued because they prove to provide a substantial business benefit. To support this trend in industry, nearly 1000 colleges now specially accommodate students over age 65.

We have witnessed the success of the Senior Community Services Employment Project under the Older Americans Act. Now, we must encourage initiatives in the private sector as well. Businesses, large and small, must be educated to see older workers for the valuable resource they are, and motivated to expand the options for older workers.

I am committed to promoting one of this Nation's most valued resources, our older workers. In accord with my commitment, I encourage every segment of our society to create and implement strategies of choice, opportunity, and self-fulfillment that will empower older Americans to act on their own behalf. Our society needs the talents, skills, and experience that older Americans want to contribute. To ignore this is to impoverish ourselves, young and old alike -- and cheat our Nation of its fullest potential for growth and well-being.

EDWARD M. KENNEDY, MASSACHUSETTS, CHAIRMAN

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United States Senate

COMMITTEE ON LABOR AND
HUMAN RESOURCES

WASHINGTON, DC 20510-6300

April 25, 1990

Honorable Thomas J. Downey
Chairman
House Select Committee on Aging
Subcommittee on Human Services
811 House Office Building Annex 1
Washington, D.C. 20515

Dear Representative Downey:

I am pleased to have the opportunity to share in commemorating the twenty-fifth anniversary of the Older Americans Act. There could be no more appropriate time to recognize the invaluable programs which the Older Americans Act provides to millions of our senior citizens.

Our nation's senior citizens have dedicated their lives to making the United States the country that it is today. As a compassionate and civilized nation, we owe them the same kind of dedication that they have shown, and the programs included in the Older Americans Act play an important role in meeting this responsibility.

For the last quarter of a century, the Older Americans Act has provided America's aging population with essential support services, nutritional assistance, and community service employment programs. As the American population continues to age, the Older Americans Act will continue to serve as a model and important source for ensuring that elderly citizens are able to maintain their independence, dignity, and security.

The Silver Anniversary of the Older Americans Act marks a proud milestone, and I look forward to working to ensure that the Act will continue to best provide for the needs of America's elderly.

Sincerely,

Edward M. Kennedy

Edward M. Kennedy
Chairman

JOYCE T. BERRY, Ph.D.
Commissioner, Administration on Aging

Commissioner's Message for Compendium of Papers Honoring the 25th Anniversary of the Older Americans Act

As the U.S. Commissioner on Aging, I am both proud and happy to issue this message on the 25th Anniversary of the signing of the Older Americans Act. As we enter this last decade of the 20th Century, we are witnessing some of the most profound changes in the history of our Nation and the world. One of the most significant of these is the unprecedented growth in our older population. By the year 2030, some 65 million Americans will be 60 or older.

"Celebrate! America's Coming of Age" is the theme for the Silver Anniversary of the Older Americans Act, which was signed into law on July 14, 1965. This theme focuses on the fact that the aging of our population is changing not only the way we live and work but the types of services, products, and housing that we need. The "Aging of America" is also changing our individual and family life, our community structure, and our expectations of what our Nation's institutions should provide and how they should provide it.

As we celebrate the Silver Anniversary of the Older Americans Act, it is thus vitally important that we, as a Nation, also begin planning for the needs of the increasing number of Americans who will be older Americans in the 21st century. This is particularly true for those who have low incomes, members of minority groups, and those who are frail, isolated, or among the oldest of the old. In fact, Americans 85 and over constitute the fastest growing segment of the older population and will number some 8 million persons by the year 2030.

"Celebrate! America's Coming of Age," also focuses on the fact that we should celebrate the vast reservoir of talent, knowledge, and experience that older Americans offer our Nation, and make use of their valuable resources in new and innovative ways.

The Older Americans Act, is a strong and viable mandate to meet the needs and to benefit from the resources of present and future generations of older Americans. The Act set forth a "bill of rights" for the Nation's elderly and established the U.S. Administration on Aging as the Federal focal point and advocate for older people.

Under Title III of the Act, funds are provided to the nation-wide network of State and Area Agencies on Aging to plan, coordinate and develop community level opportunities and services to help older Americans remain as active and contributing members of their communities. The Act also supports grant programs to train professionals and paraprofessionals in the field of aging, and to conduct research, development, and demonstration projects that test and implement innovative ways of improving the quality of life for older persons.

The State and Area Agencies on Aging and the 27,000 service providers that make up the nationwide network on aging are playing a vital role by ensuring that active older persons can participate in the life of their community through senior center, volunteer, and employment opportunities and by assisting older persons who need help through a range of services including transportation, meals, homemaker-home health services, housing options, legal services, and nursing home ombudsmen programs.

A great deal has been accomplished under the leadership of the State and Area Agencies on Aging, but there are many challenges which have not been fully met and future challenges to come as we approach the 21st century. To ensure that the growing

number of older persons will have the range of options necessary to meet their individual needs requires a team effort that brings together all of a community's resources--public officials; business, civic, religious, volunteer, and educational leaders; and anyone concerned about the welfare of older Americans.

It also requires long-range planning. While AoA is working to meet the needs of today's older Americans, we are also planning for the future. AoA has selected eight goals for 1990 and beyond that will help to fulfill both the spirit and the intent of the Older Americans Act. They include:

I. Stimulating the growth of services and resources for older persons by promoting public-private sector partnerships,

II. Recognizing older persons as a valuable resource to themselves, their communities, and the Nation,

III. Strengthening the family and the interdependence of the generations,

IV. Promoting preventive, in-home and community-based supportive services as vital components of long-term care,

V. Enhancing effective community-based service systems that are available, accessible, and acceptable to older persons,

VI. Targetting resources and programs to the needs of the most vulnerable older persons,

VII. Developing the trained manpower needed to care for older persons at home, in the community, and in nursing homes, and

VIII. Promoting public information and technical assistance to ensure that public, voluntary, and private sector organizations respond to the resources and needs of the increasing number of older Americans in the first decades of the 21st century.

As we celebrate the Silver Anniversary of the Older Americans Act, we want to reaffirm our commitment to making a real and positive difference in the lives of older Americans and their families so that we will all have good cause to celebrate America's Coming of Age as individuals and as a Nation.

Silver Anniversary of the Older Americans Act
-In Commemoration-
by T. Franklin Williams, M.D.
Director, National Institute on Aging

Every so often legislation is enacted that becomes a cornerstone for future policy and direction. The Older Americans Act of 1965 is such a document. It demonstrates the vision, knowledge, caring, and concern of legislators for a population whose numbers would climb rapidly in the following 25 years.

When the Older Americans Act was enacted there were 18.5 million people age 65 and over and life expectancy at birth was 70.2 years. There was no National Institute on Aging and a great deal less reliable scientific information was available about the U.S. older population. The Act's creation of the Administration of Aging within the Department of Health, Education, and Welfare (now the Department of Health and Human Services) gave official recognition to this population's special needs and offered older people assistance in such areas as housing, finances, employment, and rehabilitation services. The goal was to ensure that every American would have the resources to maintain independence and dignity throughout her/his life, no matter how long that life.

Twenty five years later, in 1990, there are 30.5 million people age 65 and older and life expectancy at birth is 74.9 years. Studies at the National Institute on Aging, now 16 years old, have repeatedly shown that even very old people can remain independent and active with little or no decline in physical or mental function. Every day we add to our knowledge about helping people to live longer, healthier, more independent lives.

Yet, of course, our work is not complete. In 2020, just 30 years into the future, we project the population age 65 and over to climb to at least 52 million people. There will be many older people in need of support. Continued research is necessary to understand the problems of growing old and the means to assure an old age of reduced frailty and enhanced independence.

The Older Americans Act is a living document that was amended as new needs became apparent. It is a testament to what government can do to provide for the needs of its citizens.

Jane G. Gould

Director, New York State Office for the Aging

OAA Statement

Subcommittee on Human Services,

House Select Committee on Aging

After a quarter of a century with the Older Americans Act (OAA) we see a changed landscape in the realm of services and opportunities for older persons. It is at least in part because of the accomplishments associated with the Act that our expectations and goals in the aging network have sharpened dramatically. Indeed, in paying tribute to what has been achieved because of this landmark legislation, we naturally look ahead, embracing new challenges and debates.

In New York State, we are proud of the work that the aging network has done under the spirit and the direction of the OAA.

The New York State Office for the Aging administers close to $170,000,000 in federal and state funds, which are used by 59 local offices for the aging. The State Office serves as principle advocate for New York's 3.2 million older persons, who comprise over 13% of our State's population. New York's older population is large -- in fact, the second largest in the nation

--- and needs are varied and great. We have daunting unmet challenges, but we have made a difference.

Sometimes we have occasion to stop and reflect on the impact of our efforts. For example, last September, the New York State Office marked a milestone in our nutrition program when the 250 millionth meal was served. A quarter of a billion meals reaching older persons at congregate meal sites and in their homes is an accomplishment that makes us reflect on the scale of the program and the fundamental nature of the service.

New York also has a large number of older persons who are in nursing homes -- over 100,000 people are in 850 facilities. Serving in this area, the State's Long Term Care Ombudsman Program provides an invaluable service to residents and their families. Over 400 volunteer ombudsmen in 36 local programs had one-quarter million resident contacts. Resident care has consistently been the main concern of residents and family members who look to the Ombudsman Program for help.

Many older persons want to continue working past traditional retirement years; often, working is a necessity. Whether the motivation to continue working is a sense of achievement or financial pressure or both, older people face

serious obstacles. There are many strategies that we need to use, ranging from corporate education to pre-retirement planning programs. A more traditional strategy for overcoming employment barriers is to provide job opportunities, as we do, through Title V of the OAA, for unemployed, low-income seniors. The State Office sponsored Senior Citizens Services Employment Program provides employment opportunities at 59 Title V-funded programs, with 917 job slots.

Over the past 25 years, the range of programs under the OAA has served the older population -- and the nation -- well. From nutrition programs, supportive services and others at its inception in 1965 to changes affecting legal services, in-home services, access services and the Long Term Care Ombudsman program in 1987, the OAA has positively altered the quality of life for older Americans.

That is a solid foundation. Now, without diminishing what has been done, we need to do some serious building. We must consider an increasing older population, a rapidly growing "older" elderly population, a seriously stressed and deficient health care industry, strained public sector resources and a national sense that we are on the threshold of another round of changes in the way we assess ourselves, our values, our environment and our place in the world.

Planners and service providers in the aging network need to help advance a national debate on fundamental issues of an aging population. We cannot address long term care, for example, in a piecemeal, scattered way. We must have a comprehensive, efficient well-planned system that both addresses needs and can be financed. Only a comprehensive national system can possibly meet both requirements.

The aging network has grown and developed a stronger advocacy approach over the past 25 years. Experience has taught us a great deal about what works and why. We haven't always agreed among ourselves about what to do or how to do it; we do agree that when we are together we are a powerful advocacy network that can get things done.

As we work toward productive reauthorization of the Older Americans Act, let's think ahead and plan for major change in the 90's.

The City of New York

DEPARTMENT FOR THE AGING
2 LAFAYETTE STREET
New York, New York 10007-1392
Prema Mathai-Davis, Ed. D.
Commissioner

STATEMENT
of
COMMISSIONER PREMA MATHAI-DAVIS
NEW YORK CITY DEPARTMENT FOR THE AGING

It is a great privilege and honor to contribute to this very special document in tribute to the twenty-fifth anniversary of the Older Americans Act. The Act is a unique and valuable piece of legislation that has done much over the years to improve the quality of life for hundreds of thousands of older Americans. As such, those of us committed to the well being of our older citizens believe that this landmark Act should not only be sustained but strengthened to ensure its spirit and mission, and as support to the continuity and integrity of the national aging network that strives to carry out its mandates on behalf of the elderly.

As Commissioner of the New York City Department for the Aging, the largest Area Agency on Aging in the nation, I can readily attest to the need for and importance of the Older Americans Act in serving the city's 1.3 million older New Yorkers who are 60 years of age and over.

With Older Americans Act resources allocated to our Area Agency, we are able to provide programs and services key to enhancing the lives of our elderly. Currently we serve on a daily basis congregate meals to some 17,000 older persons, with another 12,500 the recipients of home-delivered meals each week. In addition, last year 8,000 seniors received home-care services and 14,000 were transported to senior centers, clinics and doctors' offices. Through Title IIIB funds, we are able to respond to nearly 500,000 requests annually about services, benefits and entitlements. Other important services provided through the Older Americans Act include legal, nutrition, education and home repairs.

Moreover, the addition of new programs under Title III reflects, in great measure, the responsiveness of the Older Americans Act to emerging needs of the older population, and this has certainly expanded our ability to reach out to new populations, such as Alzheimer's patients and their families. Further, Title V has enabled thousands of mature men and women to re-enter the workplace and continue to be productive and self-sustaining.

Twenty-five years ago the passage of the Older Americans Act marked a national commitment to elderly Americans. While the world has changed much since then, surely the vision inherent in the Act has not. A well-established and dedicated network has grown up and expanded around this

momentous legislation, giving visibility to the needs and concerns of the aging community, and developing a flexibility for ready response to these needs in creative and innovative ways. By and large, we have made great strides in seeing to it that the mandates of the Older Americans Act have been carried out.

While the aging network has long sought and gained the interest and resources of many sectors in support of activities on behalf of the elderly, Older Americans Act funding is the cornerstone. Now, more than ever before we look to the wisdom, concern and leadership of the Congress to ensure the continuity of federal support to meet the expanding needs of the country's growing elderly population.

This assurance, in spirit and in fact, will provide the elderly with the services they need to remain in their homes and their communities, living in dignity and with the respect that the Older Americans Act called for a quarter of a century ago. What more profound way than this to celebrate the Silver Anniversary of such a worthy Act.

STATEMENT OF DANIEL A. QUIRK, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF STATE UNITS ON AGING ON THE 25TH ANNIVERSARY OF THE OLDER AMERICANS ACT

I am pleased and honored to have this opportunity to comment on the 25th Anniversary of the Older Americans Act (OAA) from the perspective of the Executive Director of the National Association of State Units on Aging. Though established before the OAA was enacted, the history of NASUA over the past twenty five years has, of course, inextricably been linked with that of the Act itself. The OAA serves as the common thread which binds the membership of the Association together -- the nation's 57 State Units on Aging. That common thread, however, has been woven into many diverse designs across the country each with its own unique pattern based on state and local needs and opportunities to serve older persons.

Congressionally initiated and constitutency based, the Older Americans Act of 1965 continues to express this nation's goals and commitment to ensuring the well-being of older Americans.

- Adequate retirement income
- Maximum physical and mental health
- Suitable housing
- Comprehensive community-based long term care
- Appropriate employment opportunities
- Civic, cultural, educational and recreational opportunities
- Benefit of research to improve health and independence
- Freedom to plan and manage their own lives

To meet this goals, an administrative and service network has evolved that includes;

- Federal Administration on Aging with its 10 Regional Offices
- 57 State Agencies on Aging
- 672 Sub-state Area Agencies on Aging
- Over 15,000 Citizen Advisory Council Members
- Over 12,000 Congregate Nutrition Sites
- Over 18,000 Providers of Home and Community Services

The Older Americans Act is the cornerstone for the development of a whole range of services and opportunities for older people. Prior to the passage of the Act in 1965, there was no special emphasis or recognition of the unique needs of older people. At the time, many thought that public welfare services would be adequate to meet their needs. Other advocates for older people pushed instead for a special, categorical program to fund services uniquely tailored for older people. As a result of this initial public policy debate, the Older Americans Act today has evolved to be one of the most dynamic social service components in our national safety net of supports. It is the only categorical program directed solely to meet the local service needs of older people, but the mission goes far beyond the provision of services. It involves planning for the older population boom, advocating for the rights of older people, educating communities, and encouraging others to develop and provide needed services.

Today, the Older Americans Act fosters a billion dollar social services program and a structure of adminstrative and advocacy units at the national, state and local levels charged to carry out the Act and further its purposes. But most importantly, the Act has established a mission for communities. That mission is embodied in the intent to provide - in every locality - a range of options or a continuum of care to meet the changing needs and preferences of older people. Further, the challenge is to make sure that all services in an area are coordinated and work together as a whole. This is the mission of the Older Americans Act network.

Today, that network confronts an increasingly complex environment within which it must work to prepare states and communities for an aging America. In recent years the administrative network stimulated by the Act has entered a new and exciting stage in its development. Previous phases have included periods of creation (1965-1972), expansion (1973-1978) and improved internal coordination (1978-1983). Recent years have witnessed another period of expansion, not in terms of structures or services under the Act itself, but in terms of policy and program arenas in which State and Area Agencies on Aging must become involved on behalf of older persons. This policy and program expansion is critical to the future role of the network and its capacity to respond to the changing needs of the other older population.

Today, the goals and objectives of this network center on two major areas:

First: The development of a community based long term care system which is responsive to the needs and preferences of older persons; and

Second: The development of an elder rights system which will protect the benefits available to older persons and expand opportunities for meaningful participation in the social and economic life of the nation.

Many states have moved aggessively in the last decade to organize and rationalize long term care systems, by coordinating, financing and designing systems which more closely meet the needs and preferences of their older citizens. These efforts have resulted in a vastly improved array of service options, increased involvement of family and community in care systems, and a more judicious management of resources.

The second major arena of state aging systems is elder rights - a broad based advocacy agenda including such issues as legal services, elder abuse, ombudsman programs for both institutional and home care, age discrimination, employment, consumer protection and quality assurance. As the nation changes its political, social and economic institutions to respond to an aging America, the Older Americans Act network must not only seek to protect the rights and enhance benefits available to older people, but also work to expand the opportunities for older person to serve as a resource to society.

The promise of the Older Americans Act as outlined in the Title I objectives has certainly not been fulfilled. Ye the administrative aging network of AoA, State Units and Area Agencies, now more than ever before in its history, is prepared to play a key role in advancing the social, economic and political agendas of the older population it was designed to serve.

If the past is a prologue to the future, the Nineties will bring to the Older Americans Act network added complexity, mounting demand, growing resource constraints and the need for careful examination of the role of public agencies in fostering the well being of the elderly.

Taken as a whole, the Nineties should be viewed as a transition period between the reawakening of the 1980s and the leap in demand anticipated on or about 2010. The age of discovery and optimism of the 60s and 70s was replaced by an era of new found realism and maturation in the 80s. By the year 2010, basic answers to the design and delivery of aging programs must be well in hand if the large increase in demand is to met. The changes cannot occur overnight. Furthermore planning must become more prospective and less retrospective. Programs developed in the Nineties must reflect the way things will be in the year 2010 not what we saw in 1988.

During the Nineties we must also act to put the basic pieces together conceptually, gain experience with new delivery vehicles and fundamentally address the funding realities. Financing strategies cannot continue to be developed separately from the program and service delivery strategies. New concepts must be forged and tested. New attitudes must be created on the part of consumers, providers and payors about both public and private roles in meeting the needs of the senior population. New sophistication must be wrought in the ongoing management of existing programs.

NASUA recognizes the complexity of this undertaking and the critical needs for partnerships among a wide and diverse group of organizations and agencies to advance the goals of older persons as a crucial national priority. This

Association is committed to this important partnership in meeting the challenges of developing national and state strategies to address the changing needs of a rapidly aging population.

NATIONAL ASSOCIATION OF
AREA AGENCIES ON AGING
"Reaching the Nation's Elderly"

STATEMENT BY THE NATIONAL ASSOCIATION OF AREA AGENCIES ON AGING ON THE 25th ANNIVERSARY OF THE OLDER AMERICANS ACT

This year marks the 25th anniversary of the Older Americans Act, which was first enacted in 1965. Since that time, Congress has reaffirmed its commitment to the goals and objectives embodied in this legislation through eleven reauthorizations and expansions of the Act. With the upcoming reauthorization in 1991, Congress will be able to once again reaffirm its commitment to protect the rights and well being of all older Americans.

The original purpose of the Act is as important today as it was in 1965: to assist all older Americans in maintaining their independence and dignity within their own homes and communities. Specific objectives for older Americans are spelled out under Title I of the Act. They still guide the aging network:

- o an adequate income in retirement
- o the best possible physical and mental health
- o suitable housing designed and located to meet special needs
- o a comprehensive array of community-based long term care services
- o opportunities for employment without age discrimination
- o retirement in health, honor, and dignity
- o pursuit of civic, cultural, educational, and recreational opportunities
- o a continuum of care for the vulnerable elderly
- o benefits from research designed to sustain and improve health and happiness
- o freedom to plan and manage their own lives

In this 25th anniversary year, it is appropriate that we celebrate the great strides taken to enhance the quality of life of older Americans and commemorate the remarkable achievements resulting from this legislation. It is also important that those who work "within the system" reaffirm their commitment to provide the means for obtaining these objectives.

The nation's 670 Area Agencies on Aging were created during the 1973 reauthorization. Their creation heralded a fresh approach toward addressing the problems of the elderly. By declaring that "it is the joint and several duty and responsibility of the governments of the United States", Congress set in motion a process where all levels of our intergovernmental system have worked together, as equal partners, to meet the objectives of the Act. It is this process of equal partnership that has led to our achievements, as much as the actual funding that has been provided over the past 25 years.

The achievements made through the Act have been many. Some of them include:

- o Over 9 million older Americans receive services from programs established and funded under the Older Americans Act.

600 Maryland Avenue, S.W., Suite 208, Washington, D.C. 20024 (202) 484-7520

- A wide array of services are delivered through 25,000 different sites nationwide including senior centers, community centers, and churches and synagogues.
- Approximately 250 million meals are served annually to older Americans at congregate sites or delivered directly to homebound older persons.

Another major achievement of the Older Americans Act is that it has fostered the fostering of the growth and expansion of many services and programs not directly funded through the Act but operated through the same aging network. Over $2 billion annually flows through Area Agencies on Aging for aging services coming from a wide variety of federal, state, and local programs as well as foundation grants, private corporations, employers, and contributions from older persons. Additionally, over 350,000 volunteers offer their services nationwide to help implement these aging services. In meeting the broad mandates of the Act, the network of State and Area Agencies on Aging and service providers has created an integrated system of services and programs going well beyond the funding provided through the Older Americans Act alone.

But the job is not finished. In fact, with the graying of America, the need for additional services is growing. Today, many Area Agencies on Aging and their service providers are facing ever increasing waiting lists for basic aging services, while also facing budget reductions. The need for long-term care is one of the greatest challenges this country faces.

The challenge before us is great, but we can be assured that the foundation and structure for meeting this need has already been established within the Older Americans Act. We now face the test of building on our great achievements to meet the needs of the future.

AARP

AARP COMMEMORATES THE SILVER ANNIVERSARY OF THE OLDER AMERICANS ACT

The improvements in older Americans' lives that have resulted from the Older Americans Act programs addressing wide-ranging concerns -- health, employment, nutrition, public benefits, income, long term care, voluntarism, social and supportive services, education, and adult protective services -- are testimony to the achievements of the Act since its inception.

Indeed, the Act represents a dynamic policy statement about how the nation will address the questions and problems of aging over time. The dynamism of the Act is evidenced in the many changes that it has undergone during several reauthorizations since enactment in 1965. Enjoying both public and political support, the Act has endured, adapted to, and accommodated major political, economic, cultural, and social changes over time. This dynamic ability to adjust to the vicissitudes and opportunities of the times has been particularly apparent in the last decade, during which the administrative structure of the Act, with the support of a broad and diverse aging community network, has been challenged to more effectively target very limited resources to the highest priority groups -- those older persons with the greatest economic and social need -- without means-testing the services and benefits of the Act.

Today, the older population (age 60 and over) is the fastest growing segment of the nation's population, and this rapid growth will continue well into the next century. As this segment of the population grows, considerable pressures will be placed on the already limited funding for programs under the Act. Hence we must **plan** for what are likely to be the most urgent needs of an aging population; effectively **coordinate** those plans through complementary federal, state, and local administrative policies; **and manage available resources** more wisely than ever before.

American Association of Retired Persons 1909 K Street, N.W., Washington, D.C. 20049 (202) 872-4700

Louise D. Crooks *President* Horace B. Deets *Executive Director*

All of us -- aging community, the Administration, the Congress, and the public -- must exercise restraint in the demands we place on the Act for the future. The addition of desirable but unessential programs and services may only succeed in draining limited dollars from existing, recognized priorities. The Association continues to be committed to protecting the integrity of the Act while strengthening its capacity to meet new challenges.

The year ahead will be doubly significant in the development of the Older Americans Act because it marks not only reauthorization of the Act but the decennial of the White House Conference on Aging as well. AARP wishes to join others committed to improving the lives of America's aging population in observing the Silver Anniversary of the Older Americans Act and its accomplishments of the past 25 years. AARP embraces many of the same goals spelled out in the mission of the Older Americans Act (OAA). The ultimate goal for all of us concerned about aging in America should be ensuring the Act's capacity to serve the older persons of this nation now and for the next 25 years.

STATEMENT OF THE NATIONAL COUNCIL ON THE AGING, INC.

ON THE

TWENTY-FIFTH ANNIVERSARY OF THE SIGNING OF THE

OLDER AMERICANS ACT

President Johnson, when he signed the bill creating the Older Americans Act, called it, "seed corn,... providing a start on an orderly, intelligent and constructive program to help us meet the new dimensions of responsibility which lie ahead in the remaining years of this century."

Twenty-five years ago, under the Congressional leadership of Senator Pat McNamara (D. MI) and Representative John Fogarty (D. RI), the American people declared in the OAA Declaration of Objectives that, "It is the joint duty and responsibility of the government of the United States and of the several states... to assist our older people to secure equal opportunity to the full and free enjoyment" of such basic rights as suitable housing, employment opportunities and community services, and the best physical and mental health "without regard to economic status."

Over those twenty-five years, the "corn seed" has sprouted and multiplied to an enormous harvest of programs, services, and senior empowerment which is helping to meet the needs of millions of older Americans and their families. Despite the stresses of the Federal deficit, the OAA continues to serve needs through senior centers, home and adult day care programs, transportation services, employment programs, educational and humanities activities, and through national, state, and community planning and advocacy efforts.

The numbers are impressive -- thousands of senior centers, millions of units of specific services, and more than a hundred thousand senior community service workers meeting local needs annually. The status of OAA programs is secure, with cabinet rank in many states, focal points of service and action at local area agency levels, and a Commissioner of Aging with full access to the Secretary of Health and Human Services and the leadership of the Congress.

The Older Americans Act process, bottom-up planning and citizen involvement, has required the marshalling of political, material, and human resources at all levels in order to serve an aging nation. That process emphasizes a positive meeting of the challenges of longer life which includes designs for life-long learning and volunteer contributions, new ways to support caregiving for the frail as well as health maintenance for the well, new directions to secure retirement incomes, and instrumental community roles at any age.

Challenges remain however. The Federal budget for the Older Americans Act is still intolerably low. Only one in a hundred eligible persons participates in the Title V, senior community service job program. Senior centers and area agencies heroically shoulder the burdens of care for frail older persons more appropriately served through a sensible national health and long-term care system

Most importantly, the Older Americans Act continues to help us chart a public value system drawn from our deepest democratic, ethical and religious traditions. That value system affirms that no society is just, no economy efficient and no legal framework is rational unless our social lives and the dynamics of our institutions propel us to value life at all its stages as the only valid description of a decent society encompassing full human potential.

Dr. Daniel Thursz, President

30-600 - 90 - 3

National Association of Meal Programs

May 2, 1990

Thomas J. Downey
Chairman, Subcommittee on Human Services
House Select Committee on Aging
811 House Office Building Annex 1
Washington, D.C. 20515

Dear Congressman Downey:

The Silver Anniversary of the Older Americans Act in 1990 is a worthy tribute of the American commitment to its greatest historic treasure, our senior population. For twenty five years, dedicated people throughout the aging network have brought a variety of services, information and caring attention to millions of senior citizens. Commencing with informal talks on the needs of the growing elderly population in the Oval Office of President Truman to passage of the Act in 1965 to today's broad based delivery of community services, we have all aged and matured in knowledge and performance.

The nutrition program, authorized in 1972, with a goal of enhancing dietary intake and offering socializing opportunities for the elderly in congregate settings has been highly successful. In 1979, funding for home delivered meals to serve frail, homebound elders was added to the Act and supplemented the many private non-profit meals on wheels programs already in place. NAMP honors the Congressional intent of providing nutritious meals as the basis upon which to build and maintain the health of older people. Today over 300 million meals are served throughout the country in group dining settings and to those isolated elders who strive to remain in their homes as their health and financial resources diminish.

On this, the Silver Anniversary of the Older Americans Act, we stand at a significant moment. Our successes are apparent, while our exploding senior population offer us a vision of what still must be done.

The National Association of Meal Programs, representing a broad spectrum of both publicly financed and private non-profit programs serving meals in congregate group dining locations and to the homebound salutes Congress and our many peers in the aging

204 E Street, N.E., Washington, DC 20002
202-547-6157

network who have worked together to bring better health and dignity to our elderly.

We look to the past with pride. We look to the future with hope.

Sincerely,

Michael J. Giuffrida
Administrative Director

NATIONAL ASSOCIATION of NUTRITION & AGING SERVICES PROGRAMS
2675 44th Street, SW, Suite 305 • Grand Rapids, Michigan 49509 • 1-800-999-6262

25TH ANNIVERSARY OF OLDER AMERICANS ACT

COMPENDIUM PAPER

OFFICERS

President
TOBY FLETCHER
1114 S. Caton Ave.
Baltimore, MD 21201
(301) 396-4932 (Region III)

1st Vice President
JOHN P. WREN
1716 Market St., Ste. 100
Youngstown, OH 44507
(216) 783-2131 (Region V)

2nd Vice President
JEAN GOLWAY
104 N. Main St.
Hutchinson, KS 67501
(316) 669-8201 (Region VII)

Secretary
PAT PEAY
P.O. Box 7
Tishomingo, OK 73460
(405) 371-2341 (Region VI)

Treasurer
MARILYN DEEPER
702 Third Ave. S.W.
Virginia, MN 55792
(218) 749-2912 (Region V)

Immediate Past President
MICHAEL L. STRADER
303 Lincoln
Charleston, IL 61920
(217) 345-3612 (Region V)

Regional Representatives
BETTY MARCUS
Rhode Island
MARGARET HAMILTON
New York
HELEN J. BLUE
Florida
MARVIN D. CONRAD
Utah
SHIRLEY COHEN
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Executive Director
CONNIE BENTON WOLFF

For twenty-five years, the Older Americans Act has stood as this nation's centerpiece legislation in the development and provision of community based services for persons over the age of sixty. It established ten broad objectives, a nationwide aging network, and a comprehensive system of services. Today, millions of older citizens benefit directly from the services provided through the Older Americans Act and millions more benefit indirectly as a result of an informed and responsive public. Never before in this nation has the need for the Older Americans Act been more critical--if the Act did not exist, we would have to create it, or something like it, to address the increasing needs of a greying America.

The meal programs are probably the most visible, recognized, and supported services in the Act. This year, it is anticipated that over 250 million meals will be served in both congregate and home-bound meal programs. These programs are truly the cornerstone of the Older Americans Act legislation and are viewed in many communities as the critical component in preventive and long-term care strategies for the elderly.

These programs also have a track record of creative and effective management. Nearly all of the more than 15,000 nutrition sites nationally are donated by communities rent-free, and nearly 90% of all the staffing is provided by volunteers. Across the country, millions of additional meals are provided through private resources. In a time of great discussion surrounding the importance of public/private partnerships, the nutrition programs stand out as a model for the aging network.

NANASP looks with pride at the accomplishments of direct service providers in the past 25 years. We also recognize the challenge that will be present as the numbers of older citizens needing community-based care increases.

We look forward to working closely with Congress, the Administration on Aging and others commited to the services provided under the Older Americans Act to maintain the support needed to serve seniors in the years ahead.

NCBA STATEMENT COMMEMORATING 25TH ANNIVERSARY OF OLDER AMERICANS ACT

The National Caucus and Center on Black Aged (NCBA) welcomes the opportunity to submit this statement commemorating the Silver Anniversary of the Older Americans Act. One of the hallmarks of the Older Americans Act is the strong bipartisan support that it has enjoyed throughout its 25 year history.

The Title III State and Community Programs on Aging are built on three important fundamental principles:

1. To secure and maintain maximum independence and dignity in a home environment for older persons capable of self care with appropriate supportive services;
2. To remove barriers to economic and personal independence; and,
3. To provide a continuum of care for the vulnerable elderly.

The Older Americans Act has, by no means, fulfilled these goals completely. Much more work clearly needs to be done. However, the legislation has helped to implement these principles in an orderly and effective manner. The important watchword, though, is that "progress" has been made to fulfill these sound objectives which Congress incorporated in this landmark legislation.

Another crucial tenant of the Older Americans is that priority attention should be given to delivering supportive services to those aged persons with the greatest economic or social needs,

especially low-income elderly minorities. This is, in recognition, that there are not sufficient funds to serve all older Americans. Targeting is clearly necessary to assure that the Older Americans Act reaches out and serves those elderly persons with the greatest needs.

NCBA strongly believes that additional actions are needed to serve elderly minorities more equitably under the Older Americans Act. We are heartened, though, by a number of recent developments, signifying that progress is being made in this crucial area. The historic Meek v. Martinez case provides important precedent for state offices on aging to include minority factors in their intrastate funding formulas. This decision provides a useful enforcement mechanism against those who do not take seriously the priority requirements for serving elderly minorities. NCBA is also heartened that the new Commissioner on Aging, Dr. Joyce T. Berry, has shown a sensitivity for recognizing the major supportive services needs of aged minorities. She has matched her concern with concrete actions to increase minority participation in Older Americans Act programs. NCBA supports these measures and pledges to work with Commissioner Berry to implement these objectives.

The Older Americans Act has also flourished because key congressional units have developed, shaped, and perfected the legislation in a soundly conceived manner. The House Committee on Aging and the Subcommittee on Human Services have played leading roles in the older in the orderly and effective evolvement of the Older Americans Act. The Committee and Subcommittee may not have legislative jurisdiction, but both units have made major

contributions to the overall improvement of the Older Americans Act. For example, the House Committee on Aging and the Human Service Subcommittee have performed vital spade work at "fact - finding" hearings. These activities have produced solid concepts, which evolution of the Older Americans Act. One noteworthy example is the numerous instances in the legislation to promote minority participation. There have been many others as well.

NCBA salutes you for all that you have done. We look forward to maintaining a continuing and cooperative partnership to enable the Older Americans Act to adapt to future changes affecting the nation's elderly in the 1990's and beyond.

NATIONAL SENIOR CITIZENS LAW CENTER
Suite 400
2025 M Street, N.W.
Washington, D.C. 20036
Telephone (202) 887-5280

WASHINGTON, D.C.
BURTON D. FRETZ
EXECUTIVE DIRECTOR
ALFRED J. CHIPLIN, JR.
TOBY S. EDELMAN
VICKI GOTTLICH
PATRICIA B. NEMORE
EILEEN P. SWEENEY
STAFF ATTORNEYS

LOS ANGELES, CA
NEAL S. DUDOVITZ
DEPUTY DIRECTOR
GILL DEFORD
JEANNE FINBERG
PETER S. KOMLOS - HROBSKY
SALLY HART WILSON
STAFF ATTORNEYS

May 1, 1990

The Hon. Thomas J. Downey, Chairman
Select Committee on Aging Subcommittee on Human Services
811 House Office Building Annex
Washington, DC 20515

Dear Congressman Downey:

The special provisions for legal assistance as a priority service under the Older Americans Act are playing a key role in assuring that elderly individuals obtain the benefits and protections to which they are entitled.

This crucial assistance goes far beyond the traditional legal problems -- landlord problems, consumer fraud, and auto accidents -- which older Americans experience like everyone else. Legal help means access to income security and medical care on which many older persons increasingly rely to carry on their lives in independence and dignity.

The figures bear this out. Social Security and SSI constitute more than 80 percent of the income of poor elderly households, and over 40 percent of the income of non-poor households. This means a reliance on social security and Medicare, Medicaid and food stamps, veteran's benefits and pension rights. All these programs involve an array of regulations, applications, cutoffs and other red tape . Legal assistance helps elderly clients to cut through this to secure the benefits to which they are entitled.

The Older Americans Act makes this assistance possible, and with it an access to protections which did not exist before. To be sure, the level of legal help under Title III of the Act has fallen 50 percent since 1980. Yet it remains in place throughout the country, and provides an invaluable service to older individuals in greatest social and economic need.

Sincerely,

Burton D. Fretz

Burton D. Fretz
Executive Director

BDF/brt

President
Eugene Glover
Silver Spring, MD

Executive Director
Lawrence T. Smedley
Washington, DC

National Council of Senior Citizens

President Emeritus
Jacob Clayman
Silver Spring, MD

925 Fifteenth Street, N.W. • Washington, D.C. 20005 • (202) 347-8800 • FAX (202)-624-9595

EUGENE GLOVER, PRESIDENT
NATIONAL COUNCIL OF SENIOR CITIZENS

The Senior AIDES Program which the National Council of Senior Citizens operates has been described as the jewel in our crown. As part of the Senior Community Service Employment Program, funded under Title V of the Older Americans Act, the Senior AIDES Program provides part-time employment to more than 10,000 persons each year.

NCSC was proud to become a sponsor of the Senior AIDES Program in 1968. We started with 10 local projects, each of which had 40 participants. Today there are 150 projects in 27 states and the District of Columbia.

An organization strongly dedicated to promoting the dignity, independence, and self-sufficiency of older persons, NCSC finds offering jobs to older persons with limited incomes one of the most helpful and most rewarding ways of assisting needy individuals to have a better life.

The growth of the program over the years is evidence of recognition on the part of Congress that the program not only is beneficial to the individuals who have the jobs but also to the communities where they perform their much needed tasks. The lives of the Senior Aides are enriched, and so too are the lives of the hundreds and thousands of persons they are able to serve.

We can talk of thousands of participants--and there should be many more thousands than there are now--but the real value of the program comes in the straighter shoulders, the firmer steps, the brighter smiles of those who have the opportunities that the Senior Community Service Employment Program provides.

The National Council of Senior Citizens is proud to sponsor the Senior AIDES Program and pleased that it and other portions of the Older Americans Act have been so consistently supported by the members of Congress. On this twenty-fifth anniversary, we look back with pleasure upon the millions of older persons Older American Act programs have helped with jobs, income, and other services and upon the tens of millions the older workers have helped.

May the next twenty-five years bring more opportunities for older workers who only need a chance to demonstrate their ability, maturity, experience, and willingness to work.

First Vice President, Dr. Mary C. Mulvey, Providence, Rhode Island; Second Vice President, George J. Kourpias, Washington, DC
Third Vice President, Dorothy Walker, Detroit, Michigan; Fourth Vice President, Everett W. Lehmann, Washington, DC
Secretary-Treasurer, Jack Turner, Detroit, Michigan; General Counsel, Robert J. Mozer, New York

OLDER AMERICANS ACT: TWENTY FIVE YEARS OF ACHIEVEMENT

By Lou Glasse, President
Older Women's League

The Older Women's League welcomes this opportunity to join in the 25th anniversary celebration of the Older Americans Act. Thousands of OWL members are involved as volunteers, employees and participants with programs and services provided by the Aging Network created by the Act. I have been fortunate to see the OAA services from both the inside and the outside of its operation--from OWL members and ten years experience as director of both New York State Office for the Aging and of Dutchess County Area Agency on Aging.

The passage of OAA was a call to America to prepare for its changing population. This inspired legislation provided an organized and creative means for societal change and brought hope and dignity to older Americans. Social Security was in place, and with the enactment of Medicare, basic income and health services appeared to be established. If our youth oriented society was to be ready for its aging citzenry, families, communities, states and the nation needed to develop a system of aging services and to use its senior population more effectively.

The mission of the Act created a vision of services and benefits to protect, support and enhance the lives of all older persons. The partnership of Congress, the Administration on Aging, State Units on Aging and Area Agencies on Aging has continued to move us toward that goal.

Another partner in the successful building of an aging network has been older persons, themselves. Unlike traditional welfare programs with means tests and eligibility requirements that were usually demeaning to the dignity of those served, the Older Americans Act recognized all older persons as eligible and contributing members in society. By respecting the worth and the privacy of elders, aging services were broadly accepted and supported within communities and became vital centers for meals, recreation, education, health services, transportation, legal protection, employment, safety and a link to income resources.

But just as important, the OAA called upon older persons to contribute their skills in advisory boards and commissions in the aging network. This encouraged older persons to plan and speak out on their own behalf and powerfully shaped citizen participation in the development of public policy and services.

Another great strength of the Act has been the flexibility granted to the State Units on Aging and Area Agencies on Aging. With Congressionally established goals and guidelines and

regulations issued by the Administration on Aging, State Units and Area Agencies were given the responsibility to design a service system appropriate to the unique needs and traditions of their locale. This enabled New York to build an aging network within its strong county government system while other states chose designs better suited to their area. It allowed quick response to the aging population when communities were struck by natural disasters such as blizzards, earthquakes, and heat waves. Assistance could be mobilized when soaring fuel costs left older persons in freezing homes and health cost containment policies forced premature hospital discharges.

This flexibility attracted imaginative, skilled and committed persons who should be credited with the development of the comprehensive network of services. Staff, vounteers, advocates and local, state, and national legislators have all contributed to the successful development of Older Americans Act programs.

Dr. Arthur Flemming and the late Senator Claude Pepper warrant special mention for their extraordinary leadership. Each demonstrated unswerving dedication to the needs of the elderly, courage and determination in the face of sometimes powerful obstacles, generosity of spirit and wisdom honed from years of experience. Without the constancy of these two men, especially, this nation would not have achieved the current level of aging services.

The Older Women's League applauds the achievements of the past and urges that the Congress, Administration and aging network remain true to the mission of the Older Americans Act. For the job is not finished.

As we enter the 21st Century, we forsee the continuing impoverishment of older women, (now 3 out of 4 of the elderly poor), an increasing number of older minorities with unique problems, and the rapid growth of those over the age of 85 whose health needs are often inadequately met. All require new approaches. Critical to the success of the Act has been dedication to planning and advocacy for older persons in need. Let us use those tools to continue the work of the Older Americans Act.

AFSCME
American Federation of State, County and Municipal Employees, AFL-CIO
1625 L Street, N.W., Washington, D.C. 20036
Telephone (202) 429-1000
Telex 89-2376
Facsimile (202) 429-1293
TDD (202) 659-0446

Gerald W. McEntee
President
William Lucy
Secretary-Treasurer

May 1, 1990

The Honorable Thomas J. Downey
House Select Committee on Aging
Subcommittee on Human Services
811 House Office Building Annex 1
Washington, D. C. 20515

Dear Congressman Downey:

Thank you for including the AFSCME Retiree Program in the Subcommittee's collection of organizations' statements in praise of the Older Americans Act. Following are our remarks:

The desire for independence is deeply ingrained in American culture, going back to the Revolution and the settling of the frontier. For many of us, losing the ability to live on our own is the worst fate imaginable.

No one fears that fate more than the elderly, who recognize the risks of advancing age. That's why the Older Americans Act is so important to millions of senior citizens--it helps them maintain their independence and, therefore, their dignity.

OAA programs that support homemaker services, employment opportunities, legal assistance, nutrition sites and senior centers are a lifeline for seniors who are in danger of losing their rightful place in the community. AFSCME members who work in state and local services for the aged tell us these programs make a tremendous difference in the quality of life of their elderly clients. We hear the same enthusiasm from our retiree-members, many of whom have directly benefited from the Older Americans Act.

Today, after 25-years, the OAA is part of the fabric of every American community. And it will be increasingly important in the future, as communities struggle to meet the needs of an aging population.

Sincerely,

Steve Regenstreif

Steve Regenstreif
Director,
AFSCME Retiree Program

GREEN THUMB, INC.

2000 North 14th Street, Suite 800 · Arlington, Virginia 22201 · (703) 522-7272

April 24, 1990

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DOWNEY

Congressman Thomas J. Downey
Chairman, Select Committee on Aging
Subcommittee on Human Services
811 House Office Building Annex 1
Washington, D.C. 20515

Re: Older Americans Act Compendium

Dear Mr. Downey:

Thank you for inviting me to join you and the other members of the House Select Committee on Aging Subcommittee on Human Services in honoring the 25th Anniversary of the Older Americans Act. The brief statement that I prepared for the compendium of papers is enclosed.

Green Thumb is proud to be celebrating its own Silver Anniversary along with the Older Americans Act. Twenty-five years ago, Green Thumb began the first older worker employment program under the sponsorship of the National Farmers Union. That program later became the Senior Community Service Employment Program, which as you know, has provided millions of needy seniors with employment and training opportunities to help them live better lives.

Again, my thanks to you and the Subcommittee on Human Services for including Green Thumb in your efforts to honor the Older Americans Act. We look forward to working with you throughout the reauthorization process to strengthen and improve services for our nation's seniors.

Sincerely,

Andrea J. Wooten
President

AJW:pg

encl.

THE OLDER AMERICANS ACT - TWENTY-FIVE YEARS OF SERVICE

BY ANDREA WOOTEN, PRESIDENT, GREEN THUMB, INC.

Green Thumb, Inc., welcomes this opportunity to join the House Select Committee on Aging Subcommittee on Human Services in recognizing a very special anniversary - the Silver Anniversary of the Older Americans Act. In the twenty-five years since its inception, the Act has focused national attention on the needs of the fastest growing segment of our population and provided services to meet many of those needs. As a result, millions of seniors have been able to live independently and continue to make valuable contributions to our society.

Green Thumb is proud to be celebrating a Silver Anniversary of its own along with the Older Americans Act. Twenty-five years ago, Green Thumb was established by the National Farmers Union as the first Federal employment program for low-income seniors. Funded under Operation Mainstream, Green Thumb's original purpose was two-fold: to use the "green thumbs" of older, retired farmers to beautify America's parks and roadways, while providing program participants with supplemental income to help them live.

From its small beginning in four states with 280 enrollees, Green Thumb has grown to provide employment and training services to more than 18,000 impoverished seniors in 44 states and the Commonwealth of Puerto Rico. Those services are made possible by a grant from the U.S. Department of Labor to operate a Senior Community Service Employment Program ("SCSEP") under Title V of the Older Americans Act.

Through the years, the SCSEP has been heralded as one of the most cost effective and successful Federal programs. One study has concluded that "...an enrollee returns $1,039 more in tax revenue to all units of government, and $390 more in tax revenue to the Federal Government, than it costs in tax revenue to find him or her a permanent job." However, the true measure of the success of the SCSEP is the difference that it has made in the lives of the people and communities it has served.

Because of the SCSEP, millions of impoverished seniors have had their dignity and self-respect restored. In many cases, they have been given a reason to keep on living. And, through the training and work experience they have received, many older Americans have strengthened their existing job skills and learned

new skills, which have enabled them to find better jobs off the program.

In addition to the SCSEP participants, other, sometimes overlooked beneficiaries of the program, are the communities in which the SCSEP operates. Many communities, particularly in isolated, rural areas, have received essential services that otherwise would not have been possible - services such as child care, adult literacy classes, home health care, emergency services, libraries, transportation, hot meal delivery, historic building and park renovation, care for the disabled and others.

The three-fold purpose of the SCSEP - employment, training, and community service - form an outstanding model of service delivery for our country's seniors. It is a time-tested model that is responsive to individual needs, as well as local and national priorities.

Green Thumb is proud of its record of service as the largest national SCSEP grantee. And yet, as we join the Select Committee in celebrating the accomplishments that have been made during the last twenty-five years under the Older Americans Act, we are mindful of the many challenges ahead.

One of those challenges will be to prepare older workers to meet the labor force needs of American business during a time when our older population will be booming and our younger population declining. The SCSEP provides a nation-wide network that will be responsive to these changing demographics and workforce needs. Green Thumb welcomes the opportunity to continue making a positive difference as we enter a new decade and begin another 25 years of service to people.

Andrea J. Wooten
President

NARFE
National Association of Retired Federal Employees

1533 New Hampshire Avenue NW
Washington, DC 20036-1279
(202) 234-0832 FAX 797-9698

Downey

April 23, 1990

Honorable Thomas J. Downey, Chairman
Subcommittee on Human Services
House Select Committee on Aging
811 House Office Building Annex 1
Washington, D.C. 20515

Dear Chairman Downey:

It is indeed an honor to submit to you, on behalf of over two million retired federal employees, a written contribution to your compendium marking the silver anniversary of the Older Americans Act.

In looking back over the past twenty-five years we note with pride the accomplishments of so many dedicated people. Although all of the problems of all of the elderly cannot be resolved, it is most heartening to see the progress made since 1965 and what has been done to improve the lives of many millions of older Americans.

It is sometimes only a relatively minor act, like a telephone call, or a hot nutritious meal, that can change the day for an elderly person, alone, depressed and in despair. One act can be the catalyst that offers hope for yet another day, and prepares the way for a better outlook on life through an ongoing caring process that began with the establishment of the Older Americans Act.

When one thinks of what has been created, a network of fifty state entities and about 670 area agencies involved with thousands of programs and centers and meal sites, encompassing millions of older Americans, it is rather astounding. And, when one thinks of the services, like helping an older person bathe, taking someone shopping, arranging for health care appointments, providing transportation, nutritional advice, companionship, information about available programs, doing crafts, taking educational courses, day trips, helping a person obtain SSI and Medicaid, advocating for health care, legal services.....the litany can go on and on. It is absolutely enormous in scope, and best of all, it happens in the community and is a very personal and meaningful way for us to care about each other.

National Association of Retired Federal Employees

H. T. Steve Morrissey, PRESIDENT
Harold "Hal" Price, VICE PRESIDENT
Benny L. Parker, TREASURER

We can all be proud of all the lives touched, and perhaps made better, by the Older Americans Act. We can also work with you to ensure that the spirit of caring continues and is strengthened in the future.

Sincerely,

H.T. Steve Morrissey
President

COUNTY OF NASSAU
DEPARTMENT OF SENIOR CITIZEN AFFAIRS

RECEIVED
MAY

Thomas J. Downey

April 27, 1990

Honorable Thomas J. Downey
U. S. House of Representatives
Select Committee on Aging
Subcommittee on Human Services
431 House Office Building Annex 1
Washington, DC 20515

Dear Congressman Downey:

This is in response to your recent letter in which you request a statement for the compendium the Subcommittee on Human Services is preparing to honor the 25th Anniversary of the Older Americans Act.

The Nassau County Department of Senior Citizen Affairs welcomes the opportunity to be included in this endeavor and trusts the attached remarks will show our appreciation for this Act.

We look forward to the continuation of the Older Americans Act to provide needed programs and services to senior citizens for the next quarter of a century.

Sincerely,

Adelaide Attard
Commissioner

AA:CM:kl:12272

COUNTY OF NASSAU
DEPARTMENT OF SENIOR CITIZEN AFFAIRS

The Silver Anniversary of the Older Americans Act is a shining example in the history of significant legislation for the elderly. The implementation of this unique act has helped millions of persons aged 60 and over to live independently and with the dignity they deserve.

Over the years, one of the key elements to the successful implementation of the Older Americans Act has been the provision for the establishment of State Units of Aging and the network of Area Agencies on Aging. This vital aging network has helped millions of older individuals maintain their independence by providing essential services in congregate settings and in the home.

I believe that the striking achievements of the Older Americans Act are based on the many and varied contributions at all levels of the aging network including the dynamic partnership of national, state and local governments, as well as private, public and not-for-profit organizations working towards the common goal of enhancing the economic well-being and quality of life for older Americans.

The Nassau County Department of Senior Citizen Affairs, located on Long Island, New York, was one of the first Area Agencies on Aging in the country to serve the elderly.

We owe our development to the foresight and support of those Federal legislators who diligently advocate for older Americans. This skillfully-prepared and executed legislation continues to be sensitive to the evolving needs of senior citizens across our nation.

As the Commissioner of Nassau County's Department of Senior Citizen Affairs and former Chairperson to the Federal Council on Aging, I am very proud to be part of the historic past as well as the bright future of the national aging network, which continues to be of increasing importance to millions of Americans.

Adelaide Attard, Commissioner
Nassau County Department of Senior Citizen Affairs
and Chairperson, Federal Council on Aging 1981-1986

REFLECTIONS ON THE SILVER ANNIVERSARY OF THE OLDER AMERICANS ACT

BY JOHN BRADEMAS
PRESIDENT OF NEW YORK UNIVERSITY
CO-SPONSOR OF THE ACT AND MEMBER OF CONGRESS (D-IND.), 1959-1981
HOUSE MAJORITY WHIP, 1977-1981

Even amid the spectacular legislative achievements of the Great Society, the Older Americans Act always stood apart.

Broadly supported from its inception, the Older Americans Act was passed overwhelmingly by Congress. The programs authorized by the legislation have proved eminently successful. Indeed, seldom are the goals of an Act of Congress so fully realized as they have been for this charter of senior citizens' rights.

I have always taken special pride in the Older Americans Act because as a young member of the House Committee on Education and Labor in the early 1960s, I was an original co-sponsor of the measure. Later, for ten years, from 1969 to 1979, when I chaired the Subcommittee on Select Education, with jurisdiction over the Older Americans Act, I worked to broaden its provisions and extend its benefits.

The basic law created the Administration on Aging within the Department of Health, Education and Welfare as a center at the Federal level for developing programs to serve the elderly.

Through authorizing grants to states, communities and non-profit and public organizations, the law has supported the development

of social services for older persons, research on the elderly and training people to work in the field of aging.

Amendments over the years have strengthened the Act. Here are some of my own additions:

With Congressman Ogden Reid of New York, I initiated in 1969 the Retired Service Volunteer Program to enable older persons to find voluntary service opportunities.

With Congressman Claude Pepper of Florida and Senator Edward M. Kennedy of Massachusetts, I co-sponsored the bill that created the Nutrition for the Elderly Program in 1972. Now millions of older citizens in communities all over the country daily enjoy well-balanced meals in one another's company at schools, churches, synagogues and community centers.

Two other initiatives I sponsored of which I am especially proud are the Older Americans Community Service Employment Act of 1973 and the Age Discrimination Act of 1975. And also in 1975, at a time of growing concern about nursing homes, I supported several programs to enable older persons to stay out of institutions. Amendments adopted that year provided for home health care and homemaker services, housing assistance, transportation and legal services.

One of my last contributions before I left Congress was the bill I introduced that authorized the White House Conference on Aging of 1981. As charged by Congress, the White House Conference produced "a statement of a comprehensive coherent national policy on aging together with recommendations for implementation."

Today, twenty-five years later, I take enormous satisfication in seeing the law so firmly woven into the fabric of our society. Because of it, millions of Americans in their later years are better able to live independent lives in dignity and health. On its silver anniversary, the Older Americans Act continues its sterling performance.

For the Silver Anniversary of the Older Americans Act

by Robert N. Butler, M.D.

The Older Americans Act is 25 years old this year. This landmark legislation, which has served millions of older Americans since its passage in 1965, can only increase in importance over the next 25 years as the older population continues to grow.

In the United States, in this century, average life expectancy from birth has increased by 28 years, from 47 in 1900 to 75 today. Eighty percent of these 28 years can be attributed to reductions in maternal, infant, and childhood mortality rates; the remaining 20% represents added years of life to age 65 because of decreases in mortality rates due to heart disease and stroke. This new longevity is a great medical and social achievement which is due in no small measure to public programs such as Medicare and the Older Americans Act.

The Older Americans Act established an aging network that impacts on the everyday lives of older Americans. It is also gratifying to note that the Administration on Aging not only has a significant "place in the sun," but its new and outstanding Commissioner, Dr. Joyce T. Berry, has a "place at the table" of policymaking and reports directly to Secretary Louis Sullivan. Furthermore, interagency agreements bring the Commissioner in close contact with a variety of significant agencies within the Department of Health and Human Services, such as the Health Care Financing Administration and the Social Security Administration, the National

Institute on Aging, as well as agencies outside of HHS. This expanded connection is an important step, since the Commissioner can best represent the concerns of our older population throughout the federal government.

The Administration on Aging's goals for fiscal year 1990, developed by Dr. Berry, is impressive. These eight goals are essential for older Americans and their families and will help prepare the nation for the vast challenges and opportunities that the aging society will bring in the 21st century. They stress, for example, that older persons are a resource for strengthening the bonds of the new intergenerational family, and that older people are able to continue to be productive members of society in a variety of ways. Thus, in this 25th anniversary of the Older Americans Act, we see the emergence of a great force in government that is stressing the productive capability of older Americans who constitute a resource of undeniable importance to us all.

DEWEY, BALLANTINE, BUSHBY, PALMER & WOOD
1775 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

April 30, 1990

Honorable Thomas J. Downey
Chairman
House Select Committee on Aging
Subcommittee on Human Services
811 House Office Building, Annex 1
Washington, D.C. 20515

Dear Tom:

I am honored you included me in the Committee's commemoration of the 25th Anniversary of the Older American's Act.

As you know, I was working in the White House when this momentous legislation reached the President's desk. It was one of the finest hours for LBJ.

Enclosed is my statement to be included in your compendium. Give me a call if you have any questions.

Warm regards,

Joseph A. Califano, Jr.

Enclosure

A SALUTE TO THE OLDER AMERICANS ACT

by Joseph A. Califano, Jr.*/

When President Lyndon B. Johnson signed the Older Americans Act into law on July 14, 1965, he changed the face of America forever. He brought our senior citizens back into the mainstream of our cities and local communities. When our country was young, the old were honored for their experience and wisdom. But as we grew, seniors were relegated to the periphery of our society. Lyndon Johnson took the first step of reintegrating senior citizens into the economic and social fabric of our country.

When signing the bill, Johnson said "the Older Americans Act clearly affirms our Nation's sense of responsibility toward the well being of all of our older citizens. But even more, the results of this Act will help us to expand our opportunities for enriching the lives of all of our citizens in this country, now and in the years to come." That's from the prepared text he delivered.

Then LBJ spoke from the heart. He said of our older citizens: "We revere them; we extend them our affection; we respect them. We have been talking about it all these years, now we are doing something about it. It is a *fait accompli*."

On this Silver Anniversary of the Older Americans Act, it is incumbent to ask whether we have lived up to its goals. The answer is we have not. We have accomplished much but we have not fulfilled the promise of the Act.

As much has been accomplished, so too have the challenges grown. With the baby boom becoming the senior boom early in the next century, the omnivorous appetite for health care will strain our resources. By the first quarter of the next century, our senior population will be 66 million compared to 19 million in 1967. The over-85 population, the group most likely to be dependent, will be 15 million, five times the number alive today.

A major health promotion campaign directed at the elderly can help. But we need a massive effort -- a Project Independence for older Americans to reduce and, for many elderly, eliminate the chief threats of their independence. The payoff of Project Independence of older Americans is enormous. Each reduction of one month in the average period of dependence of our citizens over 65 means a savings of four billion dollars in health care and custodial costs.

So let us do more. Let us, for example, raise the aging research budget to at least one billion dollars -- on a par with cancer, Aids and heart disease.

We should not do this out of compassion, though that is admirable. We should not do this by contract, though a debt is owed. We should do it as a matter of social justice and common sense. Lyndon Johnson knew this well. We should be guided by his wisdom.

---

*/ Mr. Califano was Secretary of Health, Education, and Welfare from 1977 to 1979, and President Lyndon Johnson's assistant for domestic affairs from 1965 to 1969. He is presently senior partner in the Washington office of the law firm of Dewey, Ballantine, Bushby, Palmer & Wood.

SCHOOL OF SOCIAL WORK
UNIVERSITY OF MARYLAND AT BALTIMORE

525 West Redwood Street
Baltimore, Maryland 21201

(301)328-7790/FAX (301)328-6046

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Cong. Thomas J. Downey

April 27, 1990

Honorable Thomas J. Downey, Chairman
Subcommittee on Human Services
Select Committee on Aging
U.S. House of Representatives
811 House Office Building Annex 1
Washington, D.C. 20515

Dear Congressman Downey:

Attached is the brief statement you requested from me regarding the Older Americans Act of 1965. It includes some of my reflections about the evolution of the Act, the importance of the Act to the older people of the nation, and to some of my personal concerns regarding the future directions of the Act.

I also want to take this opportunity to thank you for this effort by the House Select Committee on Aging to mark the Silver Anniversary of the Older Americans Act. It was most thoughtful of you and other members of the Subcommittee on Human Services.

With best personal regards,

William D. Bechill
William D. Bechill
Associate Professor

WB/mdf

Enclosures

STATEMENT OF WILLIAM D. BECHILL ON THE 25th ANNIVERSARY
OF THE OLDER AMERICANS ACT OF 1965

Mr. Downey and members of the House Select Committee on Aging:

Thank you for asking me to contribute to the papers that the Subcommittee on Human Services is preparing to honor the 25th Anniversary of the Older Americans Act. Your action is a very thoughtful one, and I am sure is deeply appreciated by those of us who have worked in the field of aging in past and present years.

As you know, I had the honor of being named by President Lyndon Johnson, in October 1965, to serve as the first U.S. Commissioner on Aging. Commissioner, I was fortunate to always have the Presidents' interest and support as well as the two Secretaries of Health, Education, and Welfare under which I served, John Gardner and Wilbur J. Cohen.

The Older Americans Act is one of the most significant laws the Congress has ever enacted in behalf of older people. It ranks in importance to the original Social Security Act of 1935, and the historic Medicare legislation also enacted in 1965. It is especially gratifying to see that the programs and services made available under the Act are still provided without a "means test", and that the program has evolved in a way that truly represents a partnership of the federal, state, and local levels of government. Also, from the beginning, the administration of the Act has encouraged the participation of literally thousands of non-profit organizations who are service providers at the state and community level.

A 25th Anniversary is time for both celebration and remembrance. As one who worked in the field in the 1950's and early 1960's, I remember what it was like before the Older Americans Act. Few programs, few services, and little attention to the needs and interests of older people was the norm. That has changed now. The Older Americans Act and its implementation since 1965 has literally created an "aging network" that is national in scope. Today, there is no part of the United States that is not covered by an approved area and state plan of services, and the scope and extent of programs and services for the older population is such that the program literally reaches and involves millions of older people.

As we celebrate this anniversary of the Act, I wish some recognition could be given by the Congress to the individuals who played key roles in the initial implementation of the Older Americans Act at the national, state, and local levels. For example, I was fortunate to have a small but dedicated staff in the Administration on Aging during the early years of the program. They worked hard at both the central office and regional office levels in getting the program operational, and the same people also helped shape and implement the major changes that the Congress made in the program in the 1969, 1972, and 1973 Amendments to the Act, changes that established the national Nutritional Program for the Elderly and created the area agencies on aging, and set out the goal of comprehensive and coordinated systems of services.

Also, substantial recognition should be given to those members of the Congress who have provided creative leadership and vigorous support for the program. The original lead author in the House of Representatives was the late John Fogarty of Rhode Island. His determination and support of a broad national effort in the field of aging was an inspiration to all of us who were in the field thirty years ago. In my time as Commissioner, and later, I had the privilege of working closely with such House members as Carl Perkins Sr, John Brademas, Mario Biaggi, Ogden Reid, William Steiger, Alfred Quie and others who gave strong bipartisan support for the program. Mr. Brademas never has received, in my judgement, the recognition that he should have for his role in the 1969, 1972, 1973 and 1975 Amendments. I feel the same way about the late Bill Steiger of Wisconsin. What a superb individual he was, and one who was genuinely interested and become very knowledgeable about all parts of the Older Americans Act legislation during his time in the Congress.

As a final comment, I hope the Congress continues to give the Older Americans Act programs its strong support in the future. In my view, the Act has been "treading water" so to speak, in recent years because of the federal budget crisis. The Act, and its federal appropriations, need to keep pace with the needs of an increasing number of older people, including the very old, in our nation. I think that a practical national goal would be to double the current budget of the Older Americans Act programs by over the next five years.

Thank you again, and I look forward to reading the compendium when it is published.

On the Occasion of the Celebration of the 25th Anniversary of the Passage of the Older Americans Act: Some Remarks

Submitted to The Honorable Thomas J. Downey, Chairman
Subcommittee on Human Services
Select Committee on Aging
The House of Representatives

By Rose Dobrof, DSW,
Brookdale Professor of Gerontology
Director, the Brookdale Center on Aging
Hunter College of the City University of New York

May, 1990

It is altogether fitting that this Compendium of comments in celebration of the 25th Anniversary of the passage of the Older Americans Act should be published under the imprimatur of the Subcommittee on Human Services of the House Select Committee on Aging. Under the leadership of its Chairman, the Honorable Thomas J. Downey, and the Ranking Minority Member, Congresswoman Olympia J. Snowe, this Subcommittee has contributed mightily to the political process through which decisions about public priorities, resource allocation, and service provision are made. It is fitting that members of this Subcommittee should play a central role in the celebration of a piece of legislation which has had such extraordinary impact on the situation of older people in the United States. In preparation of this paper, I re-read the Ten Objectives of Title One of the Act: it can be argued that this statement of goals is so global as to be impossible to operationalize in policies and programs, much less to accomplish. Yet as a statement of the goals of the Congress of the United States in 1965, the Ten Objectives represent a nobility of aspiration and purpose that still, twenty five years later, should inform the work that the government, the voluntary sector, and academic institutions do on behalf of the older people of our society.

I write from the perspective of my status as director of a university-based center on aging, which like the Latin deity, Janus, has always had two faces: we have looked inward to the faculty and students of Hunter College, but we have always looked outward, to the world of older people and the professionals and staff members and institutions and agencies who are engaged in the efforts to achieve the Objectives of the Older Americans Act. From this perspective I want to talk about Title IV of the Act, the

Title under which educational, career training, and demonstration and evalution programs have been funded. And it should be understood that I am not unaware that I do not write in a completely unbiased or disinterested fashion: Hunter/Brookdale has been a recipient of Title IV grants over the years.

Indeed our experience is typical of that of many flourishing university-based Centers: Hunter/Brookdale and many other Centers simply could not have developed as we have and done the work we have done, were it not for the funding available under Title IV; and education in gerontology and geriatrics could not have become imbedded in so many universities were it not for that support.

I am painfully aware of the fact that we have not always been able to make the case for education and research: we have not been entirely successful in demonstrating that education of professionals is connected to the situation of older people or that demonstration programs make a difference or that research findings inform policy formulation or service delivery or the nature of the relationship between helping professionals and the elderly whom they serve. I acknowledge this deficit, yet I am constantly impressed by the quality of the work of practitioners whose professional education was supported and enriched by AoA funded programs. I see public officials and service agency executives and academics who studied in university-based gerontological centers; I read scholarly journals and note how often authors acknowledge the support of AoA for the research on which they are reporting. I talk with older people and their families who have been helped by professionals whose practice has been

enriched through their participation in continuing education programs supported by AoA funding.

I think about AoA supported research and demonstration programs: let me use one to illustrate the point. The Natural Support Program developed in the 1970's by Janet Sainer and her colleagues at the Community Services Society in New York City is a powerful example of the impact of a Title IV funded program in the real world of older people and their families. It was one of those wonderful programs which developed existentially from the work of the CSS social workers, who had become acutely aware of the struggles of families to care for their frail older members, and of the need of these families for help. The design of the program was informed by research - the work of Elaine Brody and Marjorie Cantor among others, work which had been supported under the provisions of Title IV, and in the years since the establishment of the program hundreds of older people and their families benefitted directly from the program.

But there is more: by design, the NSP staff took responsibility for dissemination of information about the program and the provision of technical assistance to individuals and organizations interested in replicating the program. And today in communities all around the country can be found programs modeled on NSP and now providing support to caregiving families. And in communities all around the country can be found family members who participate in these programs and who testify to the importance of the programs in their lives and in shoring up their capacities to be caregivers.

Title IV support has been critical to gerontological and geriatric education; important research has been funded under the provisions of this

Title IV; and new service programs have been developed and tested with Title IV funds: the Older Americans Act is cause for celebration. And equally the 25th Anniversary of the passage of the Act should be a time when we as a society rededicate ourselves to the task of making this a good country in which to grow up and grow old.

On the Occasion of the Silver Anniversary of the Older Americans Act

Penelope A. Hommel*

It is an honor to be invited by Congressman Downey to submit this statement, and I am most grateful to him for providing me this opportunity. I was especially pleased by the invitation because the Silver Anniversary of the Older Americans Act marks the same anniversary of my career in aging. I began that career in 1966 shortly after the Act's passage. Since then, I have been fortunate to be able to undertake a number of important programs and activities, made possible with funding from Title IV of the Act. These have been primarily in the areas of delivery of legal assistance to older persons and adult protective services, especially guardianship and elder abuse.

1990 marks the twenty-fifth anniversary of the Older Americans Act -- a landmark piece of legislation. The anniversary provides an occasion to celebrate the wisdom reflected in both the objectives and historical evolution of the Act. The law grew out of years of effort by pioneers and visionaries in Congress and the Administration, working with the few existing leaders in the field of aging across the country. Observing the combined impact of the demographic and industrial revolutions, these visionaries anticipated the need to plan for the dramatic increase in numbers and percentages of older persons in the population; the fact that in an industrial/service economy, the vast majority of wage earners retire from the workforce at approximately age 65; and that major advances in medical care now allow these retirees to live 20 to 25 years beyond retirement. These phenonena generated a host of needs for sound public policy in such areas as retirement income; health care; and social support services.

Prior to 1965, issues and problems related to the aging of the population were receiving little recognition at the local, state, or national level; and very few ideas had been tested in practice. Thus, 1965 and the OAA mark a significant turning point for federal involvement in aging-related policy and services. The Act created a federal agency, with a statutory base and

* Executive Director, The Center for Social Gerontology, Inc., Ann Arbor, Michigan.

funding, to provide leadership at the national level. It specifically charged that agency to serve as an effective and visible advocate, reviewing and commenting on all federal policies affecting the elderly. Recognizing the serious limitations on knowledge about needs and problems and about model approaches to delivering services, as well as the dearth of trained personnel to work for and with older persons, the drafters of the Act wisely chose to focus it originally on research, demonstration and training projects to address these inadequacies.

As the nation has gained experience and knowledge through research and demonstration projects; and a cadre of highly qualified professionals has emerged through training projects, the Act has gone through an appropriate transition. With each successive reauthorization, it has focused more on using the products of earlier work, by promoting and funding direct, ongoing services to older persons.

Throughout its evolution, the Act has remained true to its original objectives, as stated in Title I -- "*Declaration of Objectives for Older Americans.*" In essence, Title I sets forth a "bill of rights" for older persons. Particularly compelling, in my view, are its focus on "*the inherent dignity of the individual in our democratic society,*" and its commitment to securing for older persons "*[f]reedom, independence, and the free exercise of individual initiative in planning and managing their own lives.*" This theme has been carried out in two areas in which the Act has been especially important, and upon which my own work has focused: the prevention of elder abuse and the promotion of legal assistance.

The elder abuse provisions, introduced with the 1984 amendments, are judicious, because they focus our limited resources where they will do the most good: on the *prevention* of abuse, through public education, supportive services, and outreach. They are also consistent with the Act's objectives, because they encourage the active, voluntary participation of older persons in programs to correct the problem of abuse. Further, in keeping with the Act's origins, the elder abuse provisions call for area agencies on aging to gather information on the extent to which the need for appropriate services to prevent abuse is unmet -- thus enabling the nation to learn more about causes of abuse so that we might take an educated approach to its solution.

For purposes of enhancing rights and liberties of older persons, the most significant portions of the Act are the legal assistance provisions. First introduced in 1973, they have since evolved substantially. Most importantly, they rank legal assistance as a "priority" service. Placing legal assistance in a position of such prominence helps insure access to the system of justice so that older persons might redress grievances and be assured of receiving benefits to which they are entitled. In providing this priority for legal services, the Act strives to fulfill its promise to secure for all older Americans dignity, independence, and autonomy. Further, the Act's focus on legal services has emphasized that the value of life is lessened only when human beings are denied justice and the right of choice. Equally important, Congress' continuing efforts to target Older Americans Act services to the most socially and economically vulnerable, has meant that even in the face of limited resources, many of the "hidden elderly" -- those most at risk -- are being served.

Since its inception, the Act has stressed the importance of developing leadership on aging issues at the local, state and national levels. The successes at all levels are the result of courageous and visionary leadership -- guided by the philosophy and direction set forth in the Act. A European diplomat recently said that: the purpose of politics is power; the purpose of power is to govern; and the purpose of governing is to show the way forward. The Silver Anniversary of the Older Americans Act demonstrates how beneficial the exercise of the political process can be and has been for America's older citizens.

"The Silver Anniversary of the Older Americans Act"

Toshio Tatara, Ph.D.
Director
National Aging Resource Center
on Elder Abuse (NARCEA)

The Silver Anniversary of the Older Americans Act gives us, as a nation, a time to reflect on the purpose and significance of this important legislative work.

In my work in the field of aging, and as director of the National Aging Resource Center on Elder Abuse (NARCEA)*, I, and my colleagues, have seen the breadth of issues the Older Americans Act has addressed. Since its passage in 1965, the Act has served as the focus of this nation's efforts to ensure the well-being of older people. When this legislation was enacted 25 years ago, it represented Congress' response to growing concerns, among people from all walks of life, that the needs of the elderly must be addressed to preserve the continued strength of our society. Congress intended that the Act serve as a vehicle for ensuring the provision of many important services which would improve the lives of America's senior citizens. Specifically, the men and women in Congress recognized the need to advocate for stronger programs in many areas: income security, health, housing, employment, retirement, and social services.

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* NARCEA is operated by a consortium of three organizations with funding assistance from the Administration on Aging (Grant NO. 90-AM-0332): The American Public Welfare Association (APWA), the primary grantee; the National Association of State Units on Aging (NASUA); and the University of Delaware.

During the past 25 years, millions of Older Americans have received needed benefits from services authorized by the Act. Over the years, however, society has naturally experienced many changes. These changes, both positive and negative, have significantly affected the lives of older people. One point remains clear: the objectives of the Act and the services it provides are still relevant today. Additionally, however, new concerns have emerged during the past decade that the Act must address. One of these major concerns is elder abuse.

Congress and the Administration on Aging (AoA) were among the first to respond to the problem of the abuse and neglect of elderly people. In 1978, Congress held the first hearing on elder abuse. In the same year, AcA also responded by awarding grants for exploratory studies of the problem of elder abuse, using funds from Title IV of the Older Americans Act. A 1981 Congressional Committee report, Elder Abuse: An Examination of a Hidden Problem gave this country its first glimpse at the enormous numbers - the thousands of vulnerable elderly people and their families - who were among the hidden figures in this underreported problem. Since this report was issued, several other Congressional hearings have been held, and other reports emerged. In addition, to support more research and demonstration projects on elder abuse, AoA increased the amount of discretionary grants from Title IV funds. In 1988, AoA took an additional step forward by supporting the establishment of the National Aging Resource Center on Elder Abuse (NARCEA).

Those of us who work in the field of protective services for the elderly are particularly indebted to Congressional leaders for including new provisions - "Prevention of Abuse, Neglect, and Exploitation of Older

Individuals" - in the 1987 Amendments to the Older Americans Act. Despite the inability of Congress to provide federal funding for the implementation of these provisions, the presence, in the Act, of federal definitions of different types of elder maltreatment and recognition, by Congress, of the problem of elder abuse, provide great moral support to elder protective service professionals across the country. Many of these professionals believe that the provisions on elder abuse added to the Act are in keeping with the original intent of this federal law - to ensure the well-being of older Americans.

Elder abuse is not a new problem in society, but it is a relatively new legislative issue for Congress. Although the problem of elder abuse has been addressed in the Older Americans Act and in other federal legislation, much remains to be done. It is important to note, however, that in the past decade the collaborative work of aging and adult protective service agencies at the state and local levels has led the fight against elder abuse. As many people in our society join the ranks of the elderly in the coming decades, greater challenges on elder abuse prevention and treatment lie ahead of all of us. We remain confident, however, that the Older Americans Act, along with other federal programs, will effectively meet these new challenges.

On behalf of the National Aging Resource Center on Elder Abuse, I thank your for this opportunity to participate in the observance of the Silver Anniversary of the Older Americans Act.

AARP

April 27, 1990

The Honorable Thomas J. Downey
Chairman, Subcommittee on Human
Services
Select Committee on Aging
House of Representatives
811 House Office Building Annex 1
Washington, DC 20515

Dear Mr. Chairman:

I am pleased and honored to be included among those whom you have invited to submit a statement on this, the Silver Anniversary of the Older Americans Act. It has been my privilege to be involved in the development and implementation of services for older Americans since 1972.

Mr John Martin, U.S. Commissioner on Aging, recruited me to implement the Title VII nutrition program amd the Amendments to Title III, which established a network of State and Area Agencies on Aging charged with the development of comprehensive, coordinated, service systems designed to meet the needs of older persons throughout the nation.

Prior to the development of the Aging Network, there had been little or no coordination with privately or other publicly funded programs for older persons. Community services for the elderly were fragmented, with an incomplete array of social services available to meet their needs. Older persons did not have an active role in planning for services they needed. In fact, there was little or no planning for comprehensive delivery systems which would provide older persons the best possible services.

Establishing State and Area Agencies on Aging, as planners, catalysts, advocates, and coordinators was a startling new approach to social welfare programs administered by state and local government. In fact, it was a totally new approach to public administration, as it was practiced at that time. Each Area Agency on Aging was charged with the responsibility to determine and respond to the priority needs of older persons and to fill the most critical gaps in necessary services by bringing

together Title III funds and other resources with in a comprehensive and coordinated service system. The "pooling of untapped resources" was an important task of Area Agencies as they obtained non-Older American Act resources to assist in achieving their mandates. As a result, many State and Area Agencies have been able to mobilize significant amounts of funding from both public and private sources, and to significantly expand the services provided for older Americans.

As we look to the 1990's, the State and Area Agencies, which have become integral parts of their communities and which have proven track records of advocacy and service for the elderly, are now in a key position to be leaders in long-term care reform. Area Agencies have been instrumental in developing community based long term care services which work in a coordinated way with the institutional based services. My personal view is that long term care is a natural expansion for the Area Agency on Aging, whose charge is to serve those over age 60 years. As the Area Agencies have matured, so have those they serve: the frail, the homebound, and those living in sheltered residential settings such as nursing homes, and board and care homes. The Area Agencies, in many cases act as the lead agency in case management programs, enabling them to logically expand their scope of activities to long-term care.

I am pleased that the Older Americans Act has had a significant impact on the quality of life for our older citizens, and that I had an opportunity of play a role in the development of the Aging Network. As our population continues to age, there will be an even more significant role for the Network as they work to provide older citizens with the services they need to maintain their independence.

Sincerely,

M. Gene Handelsman
Asst. Director
Volunteer & Field Services
Department

cc: Adele Milone

STATEMENT ON THE TWENTY-FIFTH ANNIVERSARY OF THE OLDER AMERICANS ACT

BY JACK OSSOFSKY
RETIRED PRESIDENT OF THE NATIONAL COUNCIL ON AGING

The Twenty-Fifth Anniversary of the Older Americans Act is a worthy occasion for celebration because of what it did and enabled others to do since its enactment.

It came into being during a period of great national ferment. The "60's" were marked by widespread concern, given expression by remarkable national leaders who understood that vulnerable segments of our population required special attention if they were to share equitably in the nation's progress. This was the period in which civil rights laws, voting rights laws, anti-poverty programs, medicare, medicaid and the Older Americans Act came into being.

While some would deprecate that period and see only the struggles, the reality is that those efforts resulted in laws and actions which improved the conditions and raised the hopes of millions of Americans. That is not to suggest that every effort was successful nor that all seeds grew to fruition, but that much good resulted then that continues to bear fruit today. The Older Americans Act is a prime example of that successful period.

At the time of its enactment, there were few institutions concerned with the implications, needs or opportunities inherent in the already increasing numbers of older people. The Older Americans Act was therefore a dramatic innovation, an assertion of federal responsibility. It created a focal point for aging, an entity to develop programs, a means to marshal other public agencies and other sectors of society to a greater understanding of, and response to, the aging of our society and its people.

While the Social Security Administration was seen as the major provider of economic and health security, the Older Americans Act created an Administration on Aging to become the major federal provider of social security, with a small "s".

One need only read Title I of the Act to see what hopes the early sponsors and advocates for this legislation had for the entity they created. Congressman Fogarty and Senator McNamara were not naive. They knew that there would always be fewer resources than would permit AOA alone to provide jobs, healthcare, social services, housing, education and all the other goals they enunciated on behalf of older people. But, they, and others who worked for its enactment, saw AOA not just as an operator of its own programs, but as the nation's public voice and advocate for the aging.

If some of those lofty goals still await their fulfillment, the foundation has none-the-less been laid, and more. In the last two and a half decades new networks of service and advocacy have been brought into being across the nation; new modalities of social and health related services have been tested, replicated and institutionalized; legal services have been made accessible to the aging, and the age related aspects of law highlighted for attorneys everywhere; millions of meals have been served, both in congregate settings and to individuals in their homes, combatting malnutrition and loneliness; hundreds of thousands of previously discarded mature workers have been trained and employed in community service jobs and graduated into employment in the private sector; gerontology institutes have been brought into being in hundreds of colleges and universities which graduated researchers and practitioners to people the myriad of new services for the aging. Senior centers now in every county in the land, the emerging adult day care programs and other community based services are supported and enabled to develop quality standards of care; older volunteers have been encouraged to share their skills and time with others. These and the many other programs developed or supported by AOA have provided options, opportunities and supports to millions of older persons and their families that did not previously exist.

During these same years, the press of numbers and the growing proportion of the aging has helped increase public and private response to the issues AOA confronts and has complimented its efforts. Industry, religion, voluntary agencies, the media, even Madison Avenue have increasingly begun to react to the burgeoning of the older population. Improvements in Social Security, the spread of private pensions, the availability of medicare and senior housing programs have empowered more older persons to live their lives independently yet, even they benefit from the programs, research and advocacy of the Administration on Aging. All of these events combine to make this a better time for many older persons than ever before.

All of this is to applaud AOA's progress thus far, not to declare victory. Much remains yet to be done. This is true in the confines of the Older Americans Act and its programs, as well as elsewhere. In spite of other considerable achievements, too many older persons, particularly those in rural areas, members of minority populations, and the poorest, often women, are not yet adequately reached by current programs that could help them. The long sought continuum of services to help people as their conditions change over time remains too fragmented. Available services remain unknown to too many.

Time has brought not only new numbers but new knowledge, awareness of new or increased needs and shifting priorities at AOA. The continuing failure of the nation to create a viable long term care program and to assure access to health care for all through other mechanisms has pressed AOA to steadily move from life enhancing activities to life sustaining activities. As it seeks to fill old gaps and new responsibilities, only rarely with added resources, AOA faces new challenges which will shape its future.

The Administration on Aging was never expected to do it all. Its first twenty-five years show, however, that it can do a great deal. It already has.

It has done it often with constrained funds, sometimes with leaders more concerned with partisan politics than constructive partnerships, it has confronted obstacles of turf and bureaucracy and a national climate about aging, still slow to change and sometimes charged with hostility.

But, it has endured and its achievements merit celebration. Its new challenges require continued support from the Congress and renewed commitment from the Administration. There is reason for optimism, in its history and its future, represented by the creative leadership and commitment of its newest commissioner, Dr. Joyce Berry.

Those now old and those yet to be old can look at AOA's next twenty-five years with renewed hope. They will be the beneficiaries of a law enacted twenty-five years ago with them in mind.

APPENDIX 1

Statutes Establishing and Amending the Older Americans Act

1965: THE OLDER AMERICANS ACT OF 1965--Signed into law July 14, 1965 as Public Law 89-73

1967: THE OLDER AMERICANS ACT OF 1967--Signed into law July 1, 1967 as Public Law 90-42

1969: THE OLDER AMERICANS ACT AMENDMENTS OF 1969--Signed into law September 17, 1969 as Public Law 91-69

1972: THE NUTRITION PROGRAM FOR THE ELDERLY ACT--Signed into law March 22, 1972 as Public Law 92-258

1973: THE OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973--Signed into law May 3, 1973 as Public Law 93-29

1974: AMENDMENTS TO THE NUTRITION PROGRAM FOR THE ELDERLY--Signed into law July 12, 1974 as Public Law 93-351

1975: THE OLDER AMERICANS ACT AMENDMENTS OF 1975--Signed into law November 28, 1975 as Public Law 94-135

1977: THE OLDER AMERICANS ACT AMENDMENTS OF 1977--Signed into law July 11, 1977 as Public Law 95-65

1978: THE COMPREHENSIVE OLDER AMERICANS ACT AMENDMENTS OF 1978--Signed into law October 18, 1978 as Public Law 95-478

1981: THE OLDER AMERICANS ACT AMENDMENTS OF 1981--Signed into law December 29, 1981 as Public Law 97-115

1984: THE OLDER AMERICANS ACT AMENDMENTS OF 1984--Signed into law October 9, 1984 as Public Law 98-459

1987: THE OLDER AMERICANS ACT AMENDMENTS OF 1987--Signed into law November 29, 1987 as Public Law 100-175

APPENDIX 2

OLDER AMERICANS ACT AND AMENDMENTS ENACTED

Congressional Sponsors

Date of Public Law, PL Number, Bill Number	Sponsor	State
1965		
P.L. 89-73 H.R. 3708	John E. Fogarty	Rhode Island
1967		
P.L. 90-42 H.R. 10730	Dominick V. Daniels	New Jersey
1969		
P.L. 91-69 H.R. 11235	John Brademas Ogdon R. Reid	Indiana New York
1972		
P.L. 92-258 S. 1163	Edward M. Kennedy	Massachusetts
1973		
P.L. 93-29 S. 50	Thomas F. Eagleton	Missouri
1974		
P.L. 94-351 H.R. 11105	John Brademas	Indiana
1975		
P.L. 95-135 H.R. 3922	John Brademas	Indiana
1977		
P.L. 95-65 H.R. 6668	John Brademas	Indiana

continued

1978		
P.L. 95-478 H.R. 12255	John Brademas	Indiana
1981		
P.L. 97-115 S. 1086	Jeremiah Denton Orrin G. Hatch	Alabama Utah
1984		
P.L. 98-549 S. 2603	Charles E. Grassley Ike Andrews	Iowa North Carolina
1987		
P.L. 100-175 H.R. 1451	Spark M. Matsunaga Dale E. Kildee	Hawaii Michigan

APPENDIX 3

Secretaries of the Department of Health and Human Services

1962	Anthony J. Celebreeze, Jr.
1965	John W. Gardner
1968	Wilbur J. Cohen
1969	Robert H. Finch
1970	Elliot L. Richardson
1973	Caspar W. Weinberger
1975	F. David Mathews
1977	Joseph A. Califano
1979	Patricia Roberts Harris
1981	Richard S. Schweiker
1983	Margaret Heckler
1985	Otis Bowen
1989	Louis W. Sullivan

Commissioners on Aging

1965	William D. Bechill
1968	John B. Martin
1973	Arthur S. Flemming
1978	Robert G. Benedict
1981	Lennie Marie Tolliver
1984	Carol Fraser Fisk
1989	Joyce T. Berry (Acting Commissioner)
1990	Joyce T. Berry

Chairpersons of the Federal Council on Aging

1973	Bertha Adkins
1978	Nelson H. Cruikshank
1980	Monsignor Charles Fahey
1983	Adelaide Attard
1986	Ingrid Azvedo

Presidents of the National Association of State Units on Aging

1964	Edna (Bonny) Russell
1966	Eone Harger
1968	Robert Robinson
1970	Charles Chaskes
1973	Harry Walker
1975	Louise Gerrard
1977	Gerald Bloedow
1979	Lou Glasse
1981	Eleanor Cain
1983	Charles Reed
1985	Patricia Riley
1987	Wilda Ferguson
1989	Janet Otwell
Exec. Director:	Daniel A. Quirk

Presidents of the National Association of Area Agencies on Aging (N4A)

1975	Bob Gonia
1976	Jackie Nowak
1977	Leon Harper
1978	James Piscioneri
1980	George Telisman
1982	Clifford Whitman
1984	Shauna O'Neil
1986	Nancy Peace
1988	Margaret Williams
Exec. Director:	Jonathan Linkous

White House Conference on Aging Chairpersons

1961	Robert W. Kean
1971	Arthur Flemming
1981	Betty Brake

APPENDIX 4

88-233 EPW

CRS REPORT FOR CONGRESS

OLDER AMERICANS ACT AMENDMENTS OF 1987: P.L. 100-175
A SUMMARY OF PROVISIONS

Carol O'Shaughnessy
Specialist in Social Legislation
Education and Public Welfare Division

March 17, 1988

CONGRESSIONAL
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ABSTRACT

The Older Americans Act Amendments of 1987 (P.L. 100-175) providing a 4-year reauthorization of the Act, through 1991, was enacted on November 29, 1987. Among other things, the law significantly expanded certain service components of the State and area agency on aging program to address the special needs of certain populations and addressed issues relating to the administration of the Older Americans Act programs. This paper describes provisions of the law and includes a table on the authorization levels.

CONTENTS

ABSTRACT..... iii

I. INTRODUCTION..... 1
A. Overview..... 1
B. Authorization Levels..... 5

II. DESCRIPTION OF SELECTED PROVISIONS OF P.L. 100-175..... 9
A. Title I--Declaration of Objectives..... 9
B. Title II--Administration on Aging..... 9
1. Organizational Status of AoA..... 10
2. Office for American Indian, Alaskan Native, and Native Hawaiian Programs..... 11
3. Task Force on Older Indians and Special Report on Services to Older Indians..... 11
4. Data Collection and Reports..... 12
5. Federal Council on Aging..... 13
6. Program Regulations and Publication of Goals for the Administration on Aging..... 14
7. Study on Unmet Need for Services..... 14
C. Title III--Grants for State and Community Programs on Aging..... 15
1. Non-Medical In-Home Services for the Frail Elderly..... 16
2. Assistance for Special Needs..... 17
3. Health Education and Promotion Activities..... 18
4. Elder Abuse Prevention Services..... 19
5. Long-Term Care Ombudsman Services..... 20
6. Outreach to Older Persons Eligible for Other Federal Benefit Programs..... 23
7. Flexibility in Providing Certain Services under Area Plans on Aging..... 23
8. Targeting of Services under State and Area Plans on Aging; Documentation of Services to Low-Income Minorities..... 25
9. Coordination of Title III Services with Other Community Services on Behalf of Specified Groups..... 26
a. Coordination of mental health services..... 27
b. Coordination of priority services on behalf of victims of Alzheimer's disease and their families..... 27

c. Services to individuals with disabilities..... 27
d. Coordination of community-based long-term care services..... 28
10. Area Agency Administration..... 28
11. Public Hearings Requirements..... 29
12. Confidentiality of Information Regarding Legal Assistance..... 29
13. Area Agency Advisory Council Membership..... 30
14. Outreach Regarding Tuition-free Post-Secondary Education..... 30
15. Adult Day Care and Respite Services Provided by Volunteers..... 31
16. Services under Title III to Older Indians..... 31
17. Transfer of Funds between Title III Funding Categories..... 31
18. Information on Assistive Technology..... 32
19. Reductions in Payments to States..... 32
D. Title IV--Training, Research, and Discretionary Projects and Programs..... 33
1. Prototype Health Education and Promotion Programs..... 33
2. Volunteer Opportunities..... 34
3. Long-Term Care Ombudsman and Protection and Advocacy System Demonstration Projects..... 34
4. Consumer Protection Demonstration Projects for Services Provided in the Home..... 35
5. Special Projects in Comprehensive Long-Term Care..... 36
6. Emphasis on Serving Older Minority Groups under Title IV..... 36
E. Title V--Community Service Employment for Older Americans..... 37
1. Administrative Cost Cap..... 37
2. Consideration of Poverty and Unemployment Rates in Providing Employment Services..... 38
3. Award of Funds to National Indian Aging Organizations and National Pacific Island and Asian American Aging Organizations..... 38
4. Distribution of Information under the Age Discrimination in Employment Act..... 39
5. Effect of Title V Income on Participation in Federal Housing and Food Stamp Programs..... 39
F. Title VI--Grants for Native Americans..... 39
1. Provisions Relating to Older Indians: Congressional Statement of Findings and Eligibility for Assistance..... 40
2. Provisions Relating to Native Hawaiians: Congressional Statement of Findings and Eligibility for Assistance..... 41
G. Title VII--Older Americans Personal Health Education and Training Program..... 42
H. Other Provisions..... 43
1. Consumer Price Index for Older Americans..... 43
2. White House Conference on Aging..... 43
3. Amendments to the National School Lunch Act..... 44
4. Alzheimer's Disease Trials..... 45
5. Demonstration Projects for Health Care Services in the Home under the Public Health Service Act..... 45
I. Effective Dates..... 46

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OLDER AMERICANS ACT AMENDMENTS OF 1987: P.L. 100-175
A SUMMARY OF PROVISIONS

I. INTRODUCTION

A. Overview

Authorizations of appropriations for the Older Americans Act of 1965, as amended, expired at the end of FY 1987. P.L. 100-175, the Older Americans Amendments of 1987, providing a 4-year reauthorization, through 1991, was enacted on November 29, 1987. 1/

The amendments contained no major overhaul of the Act; however, a number of new provisions significantly expanded certain service components of the State and area agency on aging program under title III to address the special needs of certain populations. These include the frail elderly living at home; residents of long-term care facilities; persons at risk of abuse, neglect, or exploitation; and low-income elderly who may be eligible for, but are not receiving, benefits under other Federal programs. Prior to the enactment of P.L. 100-175, the Older Americans Act contained three separate authorizations

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1/ The House version of the amendments, H.R. 1451, was introduced by Representative Kildee on Mar. 5, 1987, and was ordered reported to the House by the Committee on Education and Labor on May 12 (House Report No. 100-97). The bill was approved with amendments by the House on May 28. S. 887, the Senate version of the amendments, was introduced by Senator Matsunaga on Mar. 31, and was ordered reported to the Senate by the Committee on Labor and Human Resources on July 22 (Senate Report No. 100-136). The Senate passed S. 887 on Aug. 6. The Conference Report was filed in the House on Nov. 9 (House Report No. 100-427), was approved by the Senate on Nov. 12 and by the House on Nov. 17.

of appropriations for supportive services, congregate nutrition services, and home-delivered nutrition services. In the new law, Congress authorized six additional distinct authorizations of appropriations for services under title III. These are: in-home services for frail older individuals; long-term care ombudsman services; assistance for special needs; health education and promotion services; services to prevent abuse, neglect, and exploitation of older individuals; and outreach activities for persons who may be eligible for benefits under the Supplemental Security Income (SSI), Medicaid, and Food Stamp programs. Although State and area agencies on aging have had some responsibilities to address these service areas in the past, there were no separate authorization levels under title III to carry out these responsibilities. The authorization of supportive services funds was considered a generic category intended to address a very broad range of social services needs. While the intensity of activities of State and area agencies on aging in these areas is to be enhanced with the creation of the new funding authorizations, Congress also sought to protect the existing Older Americans Act programs through a provision stating that funds for the new authorizations may not be appropriated unless total appropriations for programs in effect in FY 1987 increase by at least 5 percent over the previous year. This so-called funding "trigger" does not, however, apply to the new authorization for in-home services for the frail elderly; the trigger is effective through FY 1990.

In addition to the groups mentioned above, other groups given special attention in various amendments to the Act were Native Americans and the disabled. With respect to Native Americans, the law required the Commissioner on Aging to establish within the Administration on Aging (AoA) a new Office for American Indian, Alaskan Native, and Native Hawaiian programs to be headed by an Associate Commissioner. The special needs of older Indians are to be

addressed by a permanent interagency task force to focus on issues of service coordination and improvement for this group. In addition, other amendments were enacted to liberalize eligibility requirements for Indians to receive assistance under the Act. The law also recognized the special service needs of Native Hawaiians by creating a separate authorization of funds for this group under title VI which formerly provided funding only for Indian tribal organizations. Another provision authorizes funding for employment services under the community service employment program to national Indian aging organizations and national Pacific Island and Asian American aging organizations.

With respect to the disabled, the amendments included provisions to improve coordination of the State and area agency on aging program with other service systems established specifically to serve the disabled. An amendment to the elderly nutrition program allows nutrition project administrators to offer meals to disabled individuals who reside at home with and accompany older persons eligible for nutrition services. Another amendment authorizes the Commissioner to conduct demonstration projects to coordinate the State agency on aging long-term care ombudsman program with the State protection and advocacy systems for the developmentally disabled and the mentally ill.

In addition to amendments addressing the needs of these identified elderly groups, the law also reemphasized prior law requirements to focus the Act's resources on those older persons who are in the greatest economic or social need of assistance, with particular attention on low-income minority older persons. A series of amendments strengthened prior law stipulations by requiring that the needs of these groups be incorporated into planning, outreach, and service delivery activities of State and area agencies.

The law also added new provisions to strengthen, expand, or clarify administration and/or delivery of various service programs under the Act. In

this regard, the amendments included provisions to: protect the confidentiality of clients who receive legal assistance; strengthen the administration of the State long-term care ombudsman program and afford ombudsmen certain protections in the performance of their duties on behalf of long-term care facility residents; increase the access of older persons to information about post-secondary educational opportunities; enhance a variety of volunteer opportunities for older persons; and authorize demonstration projects to protect consumers of home care services. The law also required State agencies on aging to set minimum dollar amounts to be spent by area agencies on aging for access, in-home, and legal assistance services. These areas have been identified as priority services under the State and area agency on aging program.

The law also addressed the effect that participation in the community service employment program under title V of the Act has on eligibility for certain other Federal programs. Under prior law, wages received under the title V program could be counted as income when determining eligibility for Federal housing and food stamp programs. P.L. 100-175 liberalized these eligibility requirements by enacting a provision to exclude title V wages from being considered as income when determining benefits under these programs.

In other areas, a number of amendments addressed issues relating to the administration of Older Americans Act programs, including the organizational status of AoA within the Department of Health and Human Services (DHHS). This issue has been a recurring one during previous Older Americans Act reauthorizations due to concern by some that AoA, because it is located within the Office of Human Development Services (OHDS), does not have the visibility to effectively advocate on behalf of the elderly across a broad range of issues. The 1987 amendments addressed this concern by elevating the status of the

Commissioner on Aging within the DHHS structure. The law did this through an amendment requiring that the Commissioner report directly to the Secretary of DHHS rather than, as under prior law, to the Office of the Secretary.

Other amendments relating to the administration of the program by AoA required improved data collection on programs and services funded under the Act and required the Commissioner to publish an annual statement of goals and objectives of AoA. The law also increased the allowable amount of funds to be spent on the administration of area plans on aging and of community service employment projects; required public hearings on activities under State and area plans on aging; and addressed the organizational status of area agencies on aging when they are located within umbrella organizations.

In addition to reauthorizing and amending the Older Americans Act programs, P.L. 100-175 included a number of other provisions affecting the elderly. The law authorized the President to call a White House Conference on Aging in 1991; authorized adult day care centers for the elderly and the chronically impaired disabled to receive funds for meals under the National School Lunch Act; required the Secretary of Labor to develop a consumer price index for older persons; authorized the National Institute on Aging (NIA) to conduct clinical trials to test the efficacy of certain drugs on treatment of Alzheimer's disease; and authorized the Public Health Service to conduct demonstration projects on home health services for low-income persons in need of skilled medical or related health services, and for victims of Alzheimer's disease and their families.

B. Authorization Levels

Table 1 presents authorization levels for the Older Americans Act in FY 1987 and authorization levels for programs which were reauthorized or newly

created by P.L. 100-175. The new law increased FY 1988 authorization levels by 5 percent above FY 1987, except for the title VI program of grants to Native Americans (formerly called Grants for Indian Tribes). FY 1988 authorizations for that program were increased by 56 percent above the FY 1987 level, and the program was expanded to provide funding for a new Native Hawaiian program. The title VII older Americans personal health education and training program was repealed.

TABLE I. Older Americans Act Authorization Levels, Fiscal Years 1987-1991
(in thousands of dollars)

Act title	(P.L. 98-549) 1987	1988	(As contained in P.L. 100-175) 1989	1990	1991
TITLE II					
Federal Council on the Aging	$ 200	$ 210	$ 221	$ 232	$ 243
TITLE III					
Grants for State and community programs on aging					
o Supportive services and centers	361,500	379,575	398,554	418,481	439,406
o Nutrition services	614,600	645,130	684,837	727,778	773,017
--congregate	(395,000)	(414,750)	(435,488)	(457,262)	(480,125)
--home delivered	(75,600)	(79,380)	(83,349)	(87,516)	(91,892)
--USDA commodities	(144,000)	(151,000) a/	(166,000) a/	(183,000) a/	(201,000) a/
o In-home services for frail elderly	b/	25,000	26,250	27,563	28,941
o Assistance for special needs	b/	25,000 c/	25,000 c/	such sums c/ d/	such sums c/ d/
o Health education and promotion	b/	5,000 c/	such sums c/ d/	such sums c/ d/	such sums c/ d/
o Elder abuse prevention	b/	5,000 c/	such sums c/ d/	such sums c/ d/	such sums c/ d/
o Long term care ombudsman	b/	20,000 c/	such sums c/ d/	such sums c/ d/	such sums c/ d/
o Outreach for SSI, Medicaid, and food stamps	b/	--	10,000 c/	10,000 c/	--
TITLE IV					
Training, research, and discretionary projects and programs	$ 31,400	$ 32,970	$ 34,619	$ 36,349	$ 38,167
o Home care demonstration projects	b/	--	2,000 c/	2,000 c/	--
o Ombudsman and advocacy demonstration projects	b/	--	1,000 c/	--	--

See footnotes at end of table.

TABLE 1. Older Americans Act Authorization Levels, Fiscal Years 1987-1991 (in thousands of dollars)--Continued

Act title	(P.L. 98-459) 1987	(As contained in P.L. 100-175) 1988	1989	1990	1991
TITLE V					
Community service employment for older Americans	368,300 e/	386,715	406,051	426,353	447,671
TITLE VI					
Grants for Native Americans	8,600 f/	13,400 g/	16,265 g/	19,133 g/	22,105 g/
o Part A--Indian program		(12,100)	(14,900)	(17,700)	(20,600)
o Part B--Native Hawaiian program	h/	(1,300)	(1,365)	(1,433)	(1,505)
TITLE VII					
Older Americans personal health education and training program	such sums i/	h/	h/	h/	h/
TOTAL	$1,384,600 j/	$1,538,000 j/	$1,604,797 j/	$1,667,889 j/	$1,749,550 j/

a/ P.L. 100-175 requires the Secretary of Agriculture to maintain a reimbursement level of 56.76 cents per meal for FY 1988-91.

b/ Not authorized.

c/ The law requires that total appropriations for programs funded in FY 1987 increase by at least 5 percent over the previous year before appropriations for these new authorizations are made.

d/ Such sums as may be necessary.

e/ Plus such additional sums as may be necessary to maintain at least 62,500 employment positions.

f/ These funds were authorized for grants to Indian tribes. Under the law in effect in FY 1987, this title was called Grants for Indian Tribes.

g/ The law creates a separate Part B for funds for a Native Hawaiian program. As shown in the table, the law authorizes specific amounts for Part A, the Indian Program, and for Part B. The law further specifies that Part B receive funding only if the total appropriations for title VI exceed the FY 1987 funding level ($7.5 million). Part B will receive the first $250,000 of any appropriations exceeding the FY 1987 level, and half of any increase above the first $250,000 up to the authorized amount.

h/ This title is repealed.

i/ Plus such sums as may be necessary for certain programs.

II. DESCRIPTION OF SELECTED PROVISIONS OF P.L. 100-175

The following describes selected provisions of P.L. 100-175, by title of the Older Americans Act. In some instances, in order to more fully describe the amendments, reference is made to statements contained in the reports of the Committee on Education and Labor, the Committee on Labor and Human Resources, or the Joint Explanatory Statement of the Committee of Conference on H.R. 1451. While an attempt has been made to describe most amendments, not all provisions are included.

A. Title I--Declaration of Objectives

Title I of the Act sets out broad social policy objectives oriented toward improving the lives of all older Americans, for example in areas of income, health, housing, and long-term care. The amendments added to this list of objectives, protection of the elderly from abuse, neglect, and exploitation.

B. Title II--Administration on Aging

Title II establishes AoA to administer most Older Americans Act programs and to act as the chief Federal agency advocate for older persons. It also establishes the Federal Council on Aging to advise the President and Congress regarding the needs of older persons.

P.L. 100-175 contained a number of amendments to title II which address the organization of AoA and administration of the Act.

1. Organizational Status of AoA

The organizational status of AoA has been a subject for review by Congress during successive reauthorizations of the Act. Concerns in the past have in part focused on the ability of AoA to act independently as the chief Federal agency advocate on behalf of the elderly. P.L. 100-175 addressed the issue by including a provision to elevate the status of AoA within the structure of DHHS. It required that the Commissioner on Aging report directly to the Secretary of DHHS, rather than to the Office of the Secretary as provided by prior law. In explaining this provision, the report of the Committee on Labor and Human Resources stated:

> In light of the significance of issues related to the field of aging, the fact that the Administration on Aging has responsibilities to coordinate its activities with a multiplicity of other Federal programs, both within and outside the Department, and the apparent inclination within the current structure to usurp both funding and resources intended by Congress to be used to support the Administration on Aging for other programs within the Office of Human Development Services, the Committee has found it necessary and appropriate to elevate the status of the Commissioner on Aging to report directly to the Secretary. In doing so, the Committee expects the Commissioner on Aging to be included in appropriate departmental decision making, to have independent access to the Secretary, and to function with the same level of authority as assistant secretaries and other commissioners within the Department. By elevating this relationship, the Committee intends that the Commissioner shall have control of all salaries and expenses decisions within the Administration on Aging and that the Department shall allocate adequate funds for salaries and expenses to carry out the intent of the Act. 2/

2/ U.S. Congress. Senate. Committee on Labor and Human Resources. Older Americans Act Amendments of 1987. Senate Report No. 100-136, 100th Cong., 1st Sess. p. 49.

2. Office for American Indian, Alaskan Native, and Native Hawaiian Programs

P.L. 100-175 required the Commissioner on Aging to establish within AoA, a new Office for American Indian, Alaskan Native, and Native Hawaiian programs to be headed by an Associate Commissioner. Functions of the Associate Commissioner include serving as the effective and visible advocate on behalf of older Native Americans within DHHS and with other governmental agencies and coordinating activities of other Federal departments and agencies to assure improved services for this group. The Associate Commissioner is also to evaluate outreach activities on behalf of older Native Americans under the State and area agency on aging and the Indian tribal grant programs, and make recommendations to improve services. In addition, the Associate Commissioner is to administer grants to Indian tribes, collect and disseminate information about the problems of older Native Americans, conduct research on Native American aging, and undertake [illegible]ical assistance and training activities for title VI grantees.

3. Task Force on Older Indians and Special Report on Services to Older Indians 3/

The law requires the Commissioner to establish a permanent interagency Task Force on older Indians. To be chaired by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, the Task Force is to be representative of Federal agencies and departments with an interest in older Indians. It is to submit its findings and recommendations on the coordination and improvement of services to older Indians to the Commissioner at 6 month intervals beginning after the date of enactment of P.L. 100-175.

3/ These provisions are included here since they relate to functions of the Commissioner. They do not specifically amend title II.

In addition to establishing the Task Force, the Commissioner is also required to contract for a study of the availability and quality of services to older Indians under the Act. The study is to include an analysis of the number of Indians participating under the Act as compared to the number eligible; how grants are made and services delivered; and how services under the tribal grant program compare to those available under the State and area agency on aging programs, among other things. The study, including appropriate legislative recommendations, is to be submitted to Congress by December 31, 1988.

4. Data Collection and Reports

In response to concern about lack of essential program data on Older Americans Act programs, the law added a number of new provisions requiring increased data collection by AoA. First, the law requires that beginning in FY 1989, the Commissioner collect, directly or by contract, the following data: aggregate amount of funds expended to provide each type of service under the Act; number of individuals who are recipients of services; number of units of services provided; and number of senior centers which received services under the Act. Data on services and expenditures are to be collected annually. The law also requires that these data as well as the following items be included in the AoA annual report to Congress: the extent to which States have granted waivers of the title III requirement that area agencies expend an "adequate proportion" of funds on priority services (access, in-home, and legal assistance); and data and analysis of the effectiveness of State and area agency targeting of services on those in greatest economic or social need.

In addition to these general requirements, the law sets forth specific requirements as to data collection and reports on the long-term care ombudsman

program. AoA is required to include in its annual report the following elements on this program:

- o summary and analysis of data on complaints and conditions in long-term care facilities for the most recent fiscal year;
- o identification of significant problems and issues, especially relating to quality of care and patients' rights;
- o discussion of current issues on State programs; and
- o recommendations on legislative and administrative actions to resolve problems.

The report on the ombudsman program is to be submitted by the Commissioner to the Select Committee on Aging and the Committee on Education and Labor in the House, and the Special Committee on Aging and the Committee on Labor and Human Resources in the Senate. Other reporting stipulations on the ombudsman program require the Commissioner to make the national report as well as reports made to the Commissioner by individual States available to the Administrator of the Health Care Financing Administration (HCFA), the Office of the Inspector General of DHHS, the Office of Civil Rights of DHHS, and the Administrator of the Veterans' Administration.

5. Federal Council on Aging

The membership of the Federal Council on Aging, which acts in an advisory role to the President and the Congress, was changed so that a majority will be older persons. Prior law had required that a total of 6 of the 15 members be older persons (that is, the President, the President pro tempore of the Senate, and the Speaker of the House were each to appoint 2 older persons). P.L. 100-175 required that a total of 9 of the 15 members be older persons, that is, each appointing authority is required to appoint at least 3 members who are older. In keeping with greater emphasis given to the needs of older Indians in

Indians in this reauthorization of the Act, the law also required that the Council have representation from Indian tribes.

6. Program Regulations and Publication of Goals for the Administration on Aging

The law updated a prior law requirement on the timetable for publishing regulations on the administration of the Act. Provided under prior law, proposed regulations are to be published within 120 days after enactment of the law and rules are to finalized within 90 days after the proposed rules have been promulgated.

A new provision requires the Commissioner to publish an annual statement of goals and objectives to act as a statement of broad annual objectives of AoA. The report of the Committee on Labor and Human Resources indicated that the intent of this provision is to encourage visible national leadership by AoA and to provide an annual framework for AoA activities. 4/ The Conference Report on H.R. 1451 stated that these goals should provide a statement of direction and priorities, rather than goals for each State or area agency or goals which would replace the statement of purpose in the Older Americans Act. 5/

7. Study on Unmet Need for Services

The Commissioner is required to undertake a national study to assess the unmet need for supportive and nutrition services, and multipurpose senior centers. The study is to be conducted by summarizing information as to the

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4/ U.S. Congress. Senate. Committee on Labor and Human Resources, p. 50.

5/ U.S. Congress. House. Committee of Conference. Older Americans Act Amendments of 1987. Conference Report to Accompany H.R. 1451. House Report No. 10-427, 100th Cong., 1st Sess. p. 66.

need for these services contained in State plans on aging, and if such information proves insufficient, the Commissioner is authorized to issue regulations which will produce objective and statistically valid results as to the unmet need. The Report of the Conferees on H.R. 1451 indicates that the Conferees expect this assessment to include a geographical and statistical analysis of unsatisfied demand for supportive services nationally, especially at multipurpose senior centers funded under the Act, and similar sites supported by other funds. 6/ The report, to be submitted to Congress by September 30, 1989, is to contain recommendations on administrative and legislative action necessary to meet the demand for services at senior centers.

C. Title III--Grants for State and Community Programs on Aging

Title III establishes authority for the network of State and area agencies on aging and requires the development of a comprehensive and coordinated services system for older persons.

Under prior law, title III contained three parts authorizing funds to State agencies on aging for supportive services (part B), congregate nutrition services (part C-1), and home-delivered nutrition services (part C-2). While P.L. 100-175 made certain changes relating to the administration of these services by State and area agencies on aging, the major changes created a number of new sections authorizing distinct funding amounts for a number of program areas. These program areas are: non-medical in-home services for the frail elderly under a new part D; services to meet the special needs of the elderly under a new part E; health education and promotion activities under a new part

6/ U.S. Congress. House. Conference Report, p. 66.

F; elder abuse prevention activities under a new part G; long-term care ombudsman services; and outreach services to older persons potentially eligible for other Federal benefit programs. While State and area agencies have had responsibilities in these areas under prior law, separate authorizations of title III funds were not specified. Except for in-home services for the frail elderly, the law included a funding "trigger" precluding appropriations for these separate authorizations unless total appropriations for programs funded in FY 1987 exceed the previous year's level by at least 5 percent. This funding restriction applies through FY 1990.

The provisions of P.L. 100-175 relating to these separate authorizations of appropriations are described below, followed by a description of other title III provisions.

1. Non-Medical In-Home Services For the Frail Elderly

In recognition of the projected demand for a range of community-based long-term care services by the elderly, the law included a separate authorization of funds for non-medical in-home services for frail older persons. While in-home services have been authorized under the Act for some time, and have been considered a priority service for which some title III funding was required since 1975, no separate authorization of funds was made under prior law. P.L. 100-175 created a new part D authorizing $25 million in FY 1988, $26.3 million in FY 1989, $27.6 million in FY 1990, and $28.9 million in FY 1990 for the following services: homemaker and home health aide; visiting and telephone reassurance; chore maintenance; in-home respite care, and adult day care as a respite for families; and minor modification of homes not to exceed $150 per client.

Under this new authority, State agencies on aging will receive funds based on the current title III formula (that is, based on the State's share of the population 60 years or over as compared to all States), and will in turn award funds to area agencies on aging. State agencies are required to develop eligibility criteria for the use of in-home services, taking into account factors such as age, and other factors relating to the need for services on the part of the frail elderly. The law defines "frail" elderly as those having a physical or mental disability, including Alzheimer's disease or a related disorder with neurological or organic brain dysfunction, that restricts their ability to perform daily tasks or threatens their capacity to live independently.

State and area agencies are required to coordinate in-home services authorized under this authority with other agencies providing similar or related services. In addition, the law specifies that funds under part D may not be used to supplant any funds that are or would otherwise be spent under any Federal, State, or local law by a State or unit of general purpose local government. This includes area agencies on aging which have in their planning and service areas existing services which primarily serve older victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and their families.

2. Assistance for Special Needs

The law contains a new part E authorizing funds to enable States to meet special needs of older persons. Activities specified by the law to be supported with special needs funds include transportation, outreach, targeting services to those with the greatest economic or social need, long-term care ombudsman services, and other services where there is unmet need. States are

given wide discretion in the use of these funds. In its approval of this amendment, the House Committee on Education and Labor stated:

> While the current terms of the Older Americans Act enumerate many specific services and programs which must be conducted for the benefit of senior citizens, the new resources provided through Part E are unearmarked, giving the States maximum flexibility and discretion in their use. 7/

The law authorizes $25 million for each of FYs 1988 and 1989 and such sums as may be necessary for FY 1990 and FY 1991. As in the other new title III authorizations created by the law (except for in-home services under part D), the funding for assistance for special needs is subject to the appropriations trigger.

3. Health Education and Promotion Activities

The law created a separate authorization of funds under title III for health education and promotion activities under a new part F. Under an amendment added by the 1984 reauthorization of the Act, States are required to spend a portion of their title III allotment on health and nutrition education services, but no separate amount was authorized to carry out these activities. P.L. 100-175 specifically authorized $5 million for FY 1988 and such sums as may be necessary for each of FYs 1989-91. Grants are to be made to States under approved plans on aging, and States are to distribute funds to medically underserved areas of the State and areas where there are large concentrations of economically needy older persons.

The amendment calls for periodic preventive health services primarily in congregate settings. Funds are to be used for routine health screening, group

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7/ U.S. Congress. House. Committee on Education and Labor. Older Americans Act Amendments of 1987. House Report No. 100-97, 100th Cong., 1st Sess. p. 10.

exercise, home injury control services, nutritional counseling and education, programs to prevent depression and activities to coordinate mental health services, and educational programs on the benefits and limitations of Medicare and supplemental insurance coverage. In order to assist State and area agencies to offer effective health promotion programs, the law also includes a provision to assure that discretionary funds under title IV be used to develop prototype health promotion and education programs through institutions of higher education.

Funding for this new authorization is subject to the appropriations trigger.

4. Elder Abuse Prevention Services

The law added a separate authorization of funds for elder abuse prevention services under a new part G. While prior law allowed each State to decide whether to provide such services under a State plan on aging, no specific amount of title III funds was set aside for this purpose. P.L. 100-175 authorized $5 million in FY 1988 and such sums as may be necessary for each of FYs 1989-91. As under the prior law provision, the amendment requires States to undertake a variety of activities, including public education and outreach activities to identify abuse, neglect, or exploitation, procedures for reporting of such cases, and coordination of the State agency on aging program with State and local adult protective service activities. Involuntary or coerced participation by alleged victims, abusers, or their households is prohibited.

The Conference Report on H.R. 1451 recognized that cooperation on elder abuse protection activities is necessary. It stated, as follows:

> The Conferees recognize that the laws of some States give authority over elder abuse prevention and protection to agencies outside of the aging network. The Conferees intend that the requirements of this

> section be carried out strictly within the confines of pertinent State laws. Area agencies on aging are expected to use these funds to complement and supplement, not duplicate, existing elder abuse prevention and protection programs. 8/

Funding for elder abuse prevention activities is subject to the appropriations trigger. If no new appropriations are available, the prior law provision which permits the State agency to establish such a program is to prevail.

5. Long-Term Care Ombudsman Services

In addition to the expanded role for State and area agencies for home care services under part D described above, P.L. 100-175 strengthened various requirements affecting services for institutionalized older persons under the long-term care ombudsman program, and added a separate authorization of appropriations. The amendments were intended to respond to recommendations made by a 1986 Institute of Medicine (IOM) report on improving the quality of care in nursing homes.

Under provisions added to the law in 1978, each State agency on aging is required to establish and operate a long-term ombudsman program to investigate and resolve complaints of long-term care facility residents (skilled nursing facilities, intermediate care facilities, board and care homes, and other adult care homes). Prior law required States to spend a minimum amount of funds to operate the ombudsman program (1 percent of the State allotment for title III supportive services under part B, or $20,000, whichever is greater); no separate authorization of funds was specified. P.L. 100-175 authorized $20 million in FY 1988 and such sums as may be necessary for the next 3 years, to carry out the ombudsman program, and modified the State minimum expenditure

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8/ U.S. Congress. House. Conference Report, p. 77.

requirement (as described below). Funding is subject to the appropriations trigger.

Other provisions of P.L. 100-175 relating to the ombudsman program:

- o designate as responsible for carrying out the program, an "Office of the State Long-Term Care Ombudsman";
- o require the Office to include local ombudsman entities as subdivisions of the Office. Representatives of the local entity, either employees or unpaid volunteers, are to be treated as representatives of the Office;
- o require the Office to prepare an annual report on data and findings regarding the types of problems and complaints of residents of long-term care facilities, and to make policy, regulatory, and legislative recommendations to solve such problems, resolve complaints, and improve quality of care and life in the facilities;
- o expand on the prior law provision by requiring the Office to analyze and monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities and services, and to recommend necessary changes;
- o expand on the prior law requirement to specify that complaints include action, inaction or decisions of providers, or their representatives, of long-term care services, or public agencies, or of social service agencies, which may adversely affect residents;
- o require the Commissioner to provide technical assistance and training to State long-term care ombudsman programs and to representatives of the program; require the Office to provide training of staff and volunteers on Federal, State, and local laws, regulations, and policies regarding facilities and investigative techniques; prohibit an Office representative from investigating a complaint unless he/she has received training and has been determined to be qualified to do the investigation;
- o require the State agency on aging to prohibit conflict of interest in designating the ombudsman or the head of any subdivision of the Office. The law also prohibits conflict of interest for officers, employees, or other Office representatives and requires that procedures be in place to identify conflict of interest;
- o require the State agency on aging to assure that legal counsel is available to the Office and that there will be legal representation in the case of legal action against any Office representative. The Office must be able to pursue administrative, legal, and other appropriate remedies on behalf of residents;

- require the State to protect Office representatives from liability under State law for good faith performance of official duties;

- require the State to make unlawful, any willful interference with ombudsmen in the performance of official duties. The law also prohibits retaliation and reprisals by long-term care facilities or other entities against residents or employees for having filed a complaint or providing information to the Office. Sanctions are required in the case of interference or retaliation;

- require the State to assure Office access to facilities, residents and resident medical and social records, with the permission of residents or their legal guardians;

- require the Office to provide information to public agencies, legislators, and others as deemed necessary, regarding the problems and concerns of residents and to make recommendations to improve their situation; and

- require the Office to coordinate ombudsman services with protection and advocacy systems for developmentally disabled and mentally ill persons.

The law contained a number of provisions relating to a State's commitment of funds to the ombudsman program. Although a separate amount is authorized for the program under P.L. 100-175, the Conferees noted that States are required to implement the amendments regardless of the appropriations level. The prior law minimum expenditure amount provision was modified to require that States spend, at a minimum, the same total amount on ombudsman services from Federal sources as they spent in FY 1987; they may use funds from new appropriations, if any, or from funds allotted under the part B supportive services category, to meet this minimum amount. In addition, all funds appropriated pursuant to the new authorization for ombudsman programs must be expended for this program.

Another provision of the law requires the Commissioner on Aging to conduct a study of the impact of the ombudsman program on care of residents of board and care facilities and other similar adult care homes, and the effectiveness of recruiting, supervising, and retaining volunteer ombudsmen. A report on this study is to be submitted to Congress by December 31, 1989.

6. Outreach to Older Persons Eligible for Other Federal Benefit Programs

The law authorized a program to expand outreach services to older persons who may be eligible for, but who are not receiving, benefits under the SSI, Medicaid, and Food Stamp programs. It authorized $10 million for each of FYs 1989 and 1990 for grants to States to inform older persons about their potential eligibility for these programs and to assist them in applying for assistance. Funding for this authorization is subject to the appropriations trigger.

Under this authority each State would be assured a minimum of $50,000. In distributing funds within the State, the State agency is to give priority to area agencies based on an evaluation of the number of older persons in greatest economic need in the planning and service area as well as the inadequacy of existing outreach activities.

During FY 1988 the Commissioner is to compile descriptions of successful outreach programs which may be of assistance to area agencies interested in participating in this program. The law also prescribes requirements for distribution of information on eligibility under the three programs, as well as application, evaluation, and reporting requirements.

7. Flexibility in Providing Certain Services under Area Plans on Aging

Under prior law, each area agency on aging was to provide assurances that it would spend an "adequate proportion" of its allotted funds for supportive services on three categories considered as priorities under the area plan. These are access services (transportation, outreach, and information and referral); in-home services (homemaker and home health aide, visiting and

telephone reassurance, chore maintenance, and supportive services for families of elderly victims of Alzheimer's and related diseases); and legal assistance. P.L. 100-175 changed this requirement to stipulate that each State agency is to set a minimum percentage of funds to be used for these three service categories by each area agency. The Conference Report on H.R. 1451 further explicated this change, as follows:

> If an area agency expends at least the minimum percentage set by the State, the area agency will have fulfilled the requirement to spend an adequate proportion of funds on such services. The minimum percentage is intended to be a floor, not a ceiling. Area agencies on aging are encouraged to devote additional funds to each of these service areas to meet local needs. 9/

While the new law requires the State agency to set a minimum proportion of funds for these services, it leaves intact a prior law stipulation that the State agency waive the "adequate proportion" requirement if the area agency demonstrates that services being furnished in the area are sufficient to meet the need. With respect to consideration of whether the need for legal assistance is being adequately addressed in the planning and service area, the Conferees noted in the Conference Report that they expect State and area agencies to take into account services being provided by the Legal Services Corporation (LSC), the private bar, or groups within the private bar furnishing services to older individuals on a pro bono and established reduced fee basis in that planning and service area. 10/

P.L. 100-175 also expanded upon certain procedural requirements pertaining to the granting of a waiver of the "adequate proportion" provision included in the 1984 reauthorization of the Act. That law specified that before an area

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9/ U.S. Congress. House. Conference Report, p. 70-71.

10/ Ibid., p. 71.

agency requests a waiver, it must conduct a public hearing and provide notification to interested parties of an opportunity to testify. The area agency is required to furnish a record of the public hearing with the request for a waiver to the State agency. P.L. 100-175 added certain requirements the State agency must follow in granting a waiver by specifying that when it proposes to grant a waiver, it must publish its intent and justification to do so, at least 30 days prior to the effective date of the waiver. If, during this 30 day period, an individual or a service provider from the area requests a hearing with respect to the waiver, the State agency is to afford these individuals or providers a hearing. The Conference Report further explicated this provision, as follows:

> The Conferees also note that they do not intend to require the State agency to hold a separate hearing for each individual or provider who requests such a hearing, but that a single hearing at which each individual or provider may testify is sufficient to meet the intent of this section. Furthermore, the hearing may be conducted as part of other hearings being held by the State agency. 11/

P.L. 100-175 also required that if the State agency grants a waiver, it must provide to the Commissioner a report on the information submitted by the area agency to justify the waiver, and a copy of the public hearings held on the waiver.

8. Targeting of Services under State and Area Plans on Aging; Documentation of Services to Low-Income Minorities

In response to some reports during hearings on the Act in 1987 about lack of adequate targeting of services to low-income and minority groups, the law incorporated a number of provisions designed to strengthen prior law requirements with respect to planning and service delivery for these older persons.

11/ Ibid., p. 71.

These provisions include requirements that State and area plans on aging identify the number of low-income and minority older persons in the State or planning and service area, and describe methods used to meet their needs in the previous year. Further, State agencies, in dividing the State into planning and service areas, and area agencies, in developing comprehensive and coordinated services systems, are required to consider the number of older persons with the greatest economic or social need with particular attention to low-income minority older persons. Provisions were also added to assure effective outreach to such individuals and to require that evaluation of these outreach efforts takes place.

Another new requirement is intended to assure that service providers under the area plan on aging focus on the needs of low-income minority older persons. Service providers are required to specify how they will meet the needs of this group and to attempt to provide services to such individuals in at least the same proportion as they represent of the total older population in the area.

9. Coordination of Title III Services with Other Community Services on Behalf of Specified Groups

In addition to the provisions relating to the targeting of services as described above, P.L. 100-175 contained specific amendments requiring the coordination of title III services on behalf of specific groups of older individuals. Various provisions focus on the needs of persons with mental illness, victims of Alzheimer's disease and their families, the disabled, and persons in need of community-based long-term care services. These provision are summarized below.

a. Coordination of mental health services. P.L. 100-175 added new provisions to focus efforts on the coordination of title III services with mental health services. First, it specified that the Commissioner may request the technical assistance and cooperation of the Alcohol, Drug Abuse, and Mental Health Administration in the administration of title III programs. Secondly, it required area agencies to coordinate mental health services funded with title III-B supportive services funds with mental health services provided by community mental health centers and by other public agencies and nonprofit private organizations.

b. Coordination of priority services on behalf of victims of Alzheimer's disease and their families. The law also required area agencies to coordinate priority services under the area plan (access, in-home, and legal assistance) with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and their families.

c. Services to individuals with disabilities. Various provisions of P.L. 100-175 focus on the special needs of older persons with disabilities. In explaining these provisions, the Committee on Labor and Human Resources stated in its Report:

> Like the growing population of elderly in the United States, there is also a growth in the number of elderly persons with disabilities, including those with severe or lifelong disabilities. Although many of their needs are similar to the needs of other older persons, older individuals with disabilities face a number of unique problems which are often compounded by having had a disability over a lifetime. The Committee recognizes that older individuals with disabilities are already included under the Act, but believes that reaffirming their inclusion and focusing services to meet their special needs is appropriate. 12/

12/ U.S. Congress. Senate. Committee on Labor and Human Resources, p. 51.

The law required State plans on aging to assure that the State agency will coordinate planning, identification, and assessment of needs and services for older individuals with disabilities, particularly those with severe disabilities, with State agencies having primary responsibility for these groups. (These may include, for example, agencies having responsibility for habilitation and health services.) In addition, area agencies are required to inform disabled elderly persons of services under the Act.

Another provision allows nutrition service administrators to offer meals to disabled individuals who reside with and accompany older persons who are eligible under the Act.

d. Coordination of community-based long-term care services. P.L. 100-175 also added a requirement that the State plan assure that area agencies will conduct efforts to facilitate the coordination of community-based long-term care services for the following groups: older individuals who reside at home and are at risk of institutionalization because of limitations on their ability to function independently; older individuals who are patients in hospitals and are at risk of prolonged institutionalization; and, older individuals who are patients in long-term care facilities but who could return to their homes if community-based services were provided.

10. Area Agency Administration

The law contained two provisions with respect to the administration of the area agency. First, it raised the allowable proportion of title III services funds which may be used for area plan administration. Prior law had allowed up to 8.5 percent of a State's allotment for services to be used for administration. P.L. 100-175 raised the allowable proportion to 10 percent.

Secondly, the law clarified that when an area agency is located within an umbrella agency it must act only as the area agency on aging. Specifically, the law was amended to require that when an area agency is part of a unit of general purpose local government, part of any combination of general purpose local government, or part of any public or nonprofit private agency, the entity designated to be the area agency must function only as the area agency on aging. The Conference Report on H.R. 1451 indicated that an area agency may continue to be housed within an umbrella agency, as long as it remains an identifiable unit. The Report further stated that an area agency located within an umbrella unit may absorb its equitable share of expenses incurred by the operation of the aging program as allowable under an indirect cost allocation plan, provided such a plan has not been explicitly rejected by a relevant Federal agency. 13/

11. Public Hearings Requirements

The law contained requirements that State and area agencies will conduct periodic public hearings on activities carried out under State and area plans on aging. Prior law contained no specific requirement for public hearings.

12. Confidentiality of Information Regarding Legal Assistance

P.L. 100-175 added new requirements to protect the confidentiality of clients of legal assistance services. It prohibits States, State agencies on aging, and area agencies on aging from requiring any title III legal assistance providers to reveal information protected by the attorney-client privilege.

13/ U.S. Congress. House. Conference Report, p. 68.

In explaining this provisions, the Report of the House Committee on Education and Labor stated:

> The Committee's intent in including the new confidentiality provisions is to clarify that names, addresses and telephone numbers of clients served with Older Americans Act funds will remain privileged information. The Committee understands that some legal assistance providers may be reluctant to contract with area agencies without this assurance. Many older individuals might be hesitant to ask for the legal advice and counsel they need if they thought others would have access to their identifying information. The assurance of confidentiality makes it easier for older persons to seek the assistance they need to resolve their legal problems, and makes it easier for legal assistance providers to serve them in good faith. 14/

13. Area Agency Advisory Council Membership

Prior law required each area agency to establish an advisory council and specified membership composition, including older participants under the Act and their representatives, and local elected officials. P.L. 100-175 added a provision to expand membership to include providers of veterans' health care, if appropriate.

14. Outreach Regarding Tuition-Free Post-Secondary Education

Under P.L. 100-175 area agencies are required to compile information on the courses available at institutions of higher education in their planning and services areas and those that are available at reduced or no fees. This information is to be made available to older persons at multipurpose senior centers, congregate nutrition sites, and other appropriate sites.

14/ U.S. Congress. House. Committee on Education and Labor, p. 12.

15. Adult Day Care and Respite Services Provided by Volunteers

Prior law requires area agencies on aging, where possible, to assist older persons to volunteer in child day care programs. P.L. 100-175 added to this provision, a stipulation that area agencies also assist in arranging for older persons to volunteer in adult day care programs and in respite care services for families.

16. Services under Title III to Older Indians

P.L. 100-175 added a number of new provisions requiring State and area agencies to focus on the needs of older Indians, including requirements that the distribution of this group be considered when planning services within the State and the planning and service area. The law also added a new provision requiring area agencies to conduct outreach activities to identify older Indians and inform them of services under the Act if their population is a significant one within the planning and service area.

Other provisions to clarify the eligibility of Indians to receive services under both title III and the title IV grant program for Indians were added. For a description of these provisions, see section of this report on title VI.

17. Transfer of Funds between Title III Funding Categories

State agencies on aging receive separate allotments of funds for supportive services (title III-B) and nutrition services (title III-C) and in recent years they have been allowed to transfer funds between these service categories. The 1984 amendments to the Act specified that States could transfer up to 30 percent of these separately allotted funds between the two

categories in FY 1987 (with lower percentages the prior 2 fiscal years.) P.L. 100-175 set the allowable transfer at 30 percent for the period of the reauthorization (through FY 1991). The Conference Report clarified that this transfer authority applies only to the supportive services and nutrition services categories. 15/

18. Information on Assistive Technology

Under the listing of services which may be provided with title III-B supportive services funds, P.L. 100-175 includes reference to "assistive technology." This is defined as technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations. In describing the need for assistive technology services, the Report of the Committee on Labor and Human Resources stated:

> Technology can have a significant impact on the functional ability and the vitality of older Americans and assist them to maintain their independence, maximize their options, and improve the quality of their lives. . . . [Assistive technology] services constitute a systematic approach for enabling older individuals to obtain the products, services and information they need in order to appropriately use technology to compensate for functional limitations or disabilities. 16/

19. Reductions in Payments to States

Prior law contained a provision which reduced a State's title III allotment if expenditures from State sources decreased from the amount expended the prior year. P.L. 100-175 changed this provision to specify that

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15/ U.S. Congress. House. Conference Report, p. 83.

16/ U.S. Congress. Senate. Committee on Labor and Human Resources, p. 53.

the reduction will take place if the amount expended by the State is less than the average annual amount expended over the prior 3 years rather than just the previous year.

D. Title IV--Training, Research, and Discretionary Projects and Programs

The title IV program authorizes the Commissioner to award funds for a broad array of training, research, and demonstration programs in the field of aging.

P.L. 100-175 added authority under title IV for several new demonstration authorities, including areas related to health education and promotion, volunteerism, coordination of the long-term care ombudsman program with protection and advocacy systems for the disabled, and consumer protection activities in long-term care. For these latter two areas, the law authorized separate funding amounts distinct from the overall title IV funding. The law also made mandatory the funding of long-term care gerontology centers which were previously supported at the discretion of the Commissioner. Various provisions of title IV were modified to emphasize service to low-income and minority older persons.

1. Prototype Health Education and Promotion Programs

As discussed in the section on title III above, P.L. 100-175 added new authority enabling State and area agencies to undertake health education and promotion activities. At the same time the law repealed title VII, created by the 1984 amendments to the Act, which required the Secretary of DHHS to establish a personal health education and training program in AoA through institutions of higher education. This program was never funded. To replace the

initiative embodied in the title VII program, P.L. 100-175 added a provision giving the Commissioner authority to make title IV funds available to institutions of higher education for the purpose of designing and developing prototype health education and promotion programs for use by State and area agencies which are implementing preventive health service programs.

2. Volunteer Opportunities

The law added new authority for the conduct of various projects to expand innovative volunteer opportunities for older persons. It requires the Commissioner to give special consideration to projects which will promote intergenerational activities where older persons serve as volunteers in tutorial services in elementary and special schools, after school programs for latch key children, and day care programs. Special consideration is also to be given to volunteer service credit projects permitting elderly volunteers to earn credits for services which they furnish and which may later be redeemed by them for similar volunteer services. The law specifies that these latter projects are to be operated in conjunction with ACTION.

3. Long-Term Care Ombudsman and Protection and Advocacy System Demonstration Projects

A new provision authorizes the Commissioner to conduct projects to demonstrate and evaluate cooperative efforts between the State long-term care ombudsman program and the State protection and advocacy system for the developmentally disabled and mentally ill established under the Developmental Disabilities Assistance and Bill of Rights Act and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986. The law authorizes $1 million for FY 1989 to carry out this activity in 3 to 10 States, and specifies that these

funds may be used in FY 1990. The Report of the Conferees on H.R. 1451 indicated that examples of the types of joint projects to be funded are structured evaluations of the need for additional mental health services, programs to encourage nursing home residents to take part in their habilitation plan, and the development of programs to prepare individuals to live in nursing homes. 17/ Funding for these projects is subject to the appropriations trigger specified in the law, that is, funds may not be appropriated to carry out these projects unless total appropriations for programs funded in FY 1987 increase by at least 5 percent over the previous fiscal year.

In addition to this demonstration authority, the amendments added provisions intended to place more emphasis on the needs of disabled populations in the conduct of Older Americans Act training, research, and demonstration activities.

4. Consumer Protection Demonstration Projects for Services Provided in the Home

The Commissioner is authorized to award title IV funds to demonstrate and evaluate the effectiveness of consumer protection for older persons who receive publicly funded services (exclusive of medical services) at home. These projects may provide consumer protection through State and local ombudsmen, legal assistance agencies, and other agencies and may include consumer education, the use of hotlines, receipt and resolution of consumer complaints, and advocacy. Grants are authorized in 6 to 10 States.

The Commissioner is required to report to Congress on the results of these demonstration projects and to make recommendations as to the desirability and

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17/ U.S. Congress. House. Conference Report, p. 80.

feasibility of carrying out a home care consumer protection program on a nationwide basis.

To carry out this program, the law authorizes $2 million in each of FYs 1989 and 1990. Funding is subject to the appropriations trigger.

5. Special Projects in Comprehensive Long-Term Care

The law makes mandatory the prior law discretionary authority of the Commissioner to support special projects in comprehensive long-term care. In explaining the rationale for making this a required title IV activity, the Report of the Committee on Education and Labor stated:

> In requiring under Title IV (section 423(a)(1)) that the Commissioner make grants for special projects in comprehensive long-term care, it is the Committee's expectation that such grants be made to fund centers, and not simply individual projects, specializing in long-term care research, education, and training. The Committee further expects: that such grants be awarded on a competitive basis; that center activities place particular emphasis on research, education, and training that support providers and services funded under the Older Americans Act; that center activities focus on areas of specialty within long-term care and not be duplicative or limited to a particular geographical region; and the Commissioner will formally evaluate center performance annually and factor results into renewal decisions. 18/

6. Emphasis on Serving Older Minority Groups under Title IV

In various sections of title IV, the law added provisions intended to place more emphasis on serving the needs of older minority group members. For example, the law was amended to assure that title IV grants and contracts are equitably awarded to agencies, organizations, and institutions representing

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18/ U.S. Congress. House. Committee on Education and Labor, p. 14. The report of the Committee on Labor and Human Resources contained similar language.

minorities, and that training activities and multidisciplinary centers of gerontology focus on minorities.

E. Title V--Community Service Employment for Older Americans

The Community Service Employment program authorizes funds to subsidize part-time community service jobs for unemployed, low-income persons 55 years of age or older. Funds are awarded to eight national organizations and to State agencies. Enrollees are paid at the Federal or State minimum wage or the local prevailing rate of pay for similar employment. The amendments in P.L. 100-175, among other things, changed the allowable administrative cost cap for the program, and liberalized eligibility requirements under other Federal programs for persons who may be receiving wages under the title V program.

1. Administrative Cost Cap

The 1984 amendments to the Act for the first time set a legislatively imposed cap on the amount of title V funds allowable for administration. That legislation set the maximum amount for administration at 13.5 percent for FY 1986, to be lowered to 12 percent in FY 1987 and succeeding years; however, it allowed the Secretary of Labor to waive these requirements and raise the cap to 15 percent if necessary. P.L. 100-175 modified the prior law by setting the administrative cap at 13.5 percent, but retained the provision allowing the Secretary to raise the cap to 15 percent. It further stipulated that the Secretary allow a higher proportion of title V funds for administration, up to 15 percent, under the following circumstances: when major administrative cost increases are incurred in necessary program components, including liability insurance, workers' compensation, costs associated with achieving unsubsidized

placement goals, and other required activities; when the number of employment positions in the project or minority eligible participants will decline if the cap is not increased; or, when the project size is so small that the costs of administration necessarily exceed 13.5 percent.

2. Consideration of Poverty and Unemployment Rates in Providing Employment Services

Prior law required that each title V project provide assurances that to the extent feasible, it will serve the needs of minority, Indian, and limited-English speaking eligible individuals in proportion to their numbers in the State. P.L. 100-175 added to this provision a stipulation that projects take into consideration the rates of poverty and unemployment when serving eligible persons in the State.

3. Award of Funds to National Indian Aging Organizations and National Pacific Island and Asian American Aging Organizations

P.L. 100-175 added a new provision requiring the Secretary of Labor to award title V funds to assist older Indians and Pacific Islanders and Asian Americans in obtaining employment services. It added a requirement that some title V funds be reserved for national grants or contracts with public or nonprofit national Indian aging organizations and national public or nonprofit Pacific Island and Asian American aging organizations. This provision is to become effective in the first fiscal year in which title V appropriations exceed the FY 1987 level.

The law defines Pacific Island and Asian Americans as Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

4. Distribution of Information under the Age Discrimination in Employment Act

The law requires the Secretary of Labor and title V grantees to distribute to program participants information to help them identify age discrimination and to understand their rights under the Age Discrimination in Employment Act. (This Act prohibits discrimination in employment on the basis of age, including mandatory retirement, for most workers over the age of 40.) These informational materials are to be supplied to title V grantees and enrollees at no cost.

5. Effect of Title V Income on Participation in Federal Housing and Food Stamp Programs

Under prior law, wages received by title V enrollees were counted when determining eligibility for Federal housing and food stamp programs. The effect of this requirement was that title V enrollees could be determined ineligible or have benefits under these programs reduced to some exter[illegible] P.L. 100-175 added a new provision to exclude title V wages received by enrollees from consideration when determining eligibility for Federal housing and food stamp programs. (Eligibility for other benefit programs was not affected.) The Conference Report on H.R. 1451 clarified that this provision is intended to apply to determination of eligibility as well as to the determination of the level of subsidy for which an individual qualifies. 19/

F. Title VI--Grants for Native Americans

Prior to the enactment of the Older Americans Act Amendments of 1987, title VI of the Act authorized funds for grants to Indian tribes for supportive

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19/ U.S. Congress. House. Conference Report, p. 81.

and nutrition services that are comparable to those provided under title III. P.L. 100-175 expanded the title to include a new part B authorizing funds for Native Hawaiians. It also added a statement expressing the sense of Congress that older Indians, Alaskan Natives, and Native Hawaiians are a vital resource entitled to all benefits and services available and that services should be provided to them in a manner that preserves and restores their dignity, self respect, and cultural identities.

1. Provisions Relating to Older Indians: Congressional Statement of Findings and Eligibility for Assistance

P.L. 100-175 added a new section setting out 10 findings of Congress regarding the status of older Indians. These findings state the following: older Indians are a rapidly increasing population in the United States; suffer from high unemployment; have a poverty rate estimated at 61 percent; have a life expectancy between 3 and 4 years less than the general population; lack sufficient nursing homes, other long-term care facilities, and other health care facilities; lack sufficient Indian area agencies on aging; frequently live in substandard and over-crowded housing; and receive less than adequate health care. In addition, Congress stated that less than 19 percent of the total national Indian elderly population is served by the title VI program, and that less than 1 percent of the participants under the State and area on aging program (title III of the Act) are older Indians.

The amendments changed prior law provisions on eligibility for title VI services. The first provision amended the law to make a tribal organization eligible for title VI funds if it has at least 50 older Indians, as compared to the prior law provision which specified that the tribal organization must have at least 60 older Indians in order to receive funds. Secondly, P.L. 100-175

eliminated prior law provisions prohibiting individuals or tribal organizations receiving services or funds under title VI from also benefitting from the title III program. As amended, the law now allows older Indians to receive assistance under both the title VI and title III programs. The Report of the Committee on Education and Labor explained that this change corrects an "unintended effect of existing law which can result in making ineligible for Title III services older Indians who could be served by a Title VI grant but are not, or in making the older Indians who receive only one type of service under Title VI ineligible for any other services under Title III." The Report also indicated that the change was intended to assist tribal organizations and area agencies to broaden the scope of cooperative efforts. 20/

2. Provisions Relating to Native Hawaiians: Congressional Statement of Findings and Eligibility for Assistance

The law added a new part B, Native Hawaiian Program, and specified separate authorizations of appropriations for it within the overall authorization amount for title VI. (See table 1 for amounts authorized.) Part B is prefaced by a statement of congressional findings on the status of older Native Hawaiians. These findings state that this group has a life expectancy 10 years less than any other ethnic group in the State of Hawaii; ranks lowest on 9 of 11 standard health indices for all ethnic groups in the State; is often unaware of social services; and has a poverty rate of 34 percent.

The new part B defines organizations eligible for funds and grant requirements. It specifies that a public or nonprofit organization which has the capacity to provide services to Hawaiian Natives is eligible if the

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20/ U.S. Congress. House. Committee on Education and Labor, p. 16. The report of the Committee on Labor and Human Resources on S. 557 contained almost identical language.

organization will serve at least 50 persons aged 60 or older, and the organization can deliver supportive services, including nutrition services. Applications for part B funds must provide that the organization will: evaluate the need for services among those to be represented by the organization; coordinate activities with the State agency on aging; adhere to reporting requirements to be specified by the Commissioner; periodically evaluate its activities; establish objectives and indicate how they will be achieved; establish and maintain information and referral services for older Hawaiians; establish a preference for hiring older Hawaiians for full- or part-time positions, where feasible; make any legal or ombudsman services to be provided under the grant meet the requirements established for such services under title III of the Act; and use proper and efficient methods of administration and fiscal and accounting procedures.

The Commissioner is required to approve any application which meets the grant requirements for at least a 12-month period. If an application is not approved, the Commissioner is required to provide written objections within 60 days after the decision not to fund; provide technical assistance to the applicant to overcome the objections; and afford the organization a hearing.

G. Title VII--Older Americans Personal Health Education and Training Program

This title, added by the 1984 amendments to the Act, never received an appropriation and was repealed by P.L. 100-175. However, an amendment added by the new law to title IV of the Act was intended to preserve its intent. As described earlier, this title IV provision authorizes the Commissioner to commit funds to institutions of higher education to develop prototype health education and promotion programs to be used by the network on aging.

H. Other Provisions

This section summarizes other provisions of P.L. 100-175 which affect the elderly.

1. Consumer Price Index for Older Americans

P.L. 100-175 requires the Secretary of Labor to develop an index of consumer prices to reflect the consumption expenditures for persons 62 years or older. The Secretary is to provide this index to Congress within 180 days after the enactment of P.L. 100-175, including a report on the research necessary to develop and accurately measure the rate of inflation for older persons. The Conference Report on the law indicates that this is to be a one-time report, not an ongoing expectation, intended for use by Congress in considering the advisability of continuing such an index. 21/

2. White House Conference on Aging

P.L. 100-175 authorizes the President to call a White House Conference on Aging in 1991. The conference is to be planned and conducted under the direction of the Secretary of DHHS in cooperation with the Commissioner on Aging, the Director of the NIA, and heads of other appropriate Federal departments and agencies.

As set forth by the law, the purpose of the conference is: to increase public awareness of the contributions of older individuals to society; to identify problems as well as the well-being of older individuals; to develop recommendations for the coordination of Federal policy with State and local

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21/ U.S. Congress. House. Conference Report, p. 84.

needs; to develop specific and comprehensive recommendations for both executive and legislative action to maintain and improve the well-being of older individuals; and, to review the status of recommendations adopted at previous White House conferences. The law specifies that conference recommendations are not to be influenced by any appointing authority or by any special interest, but be the result of independent judgment of the conference.

The Conference is to bring together representatives of Federal, State, and local governments, persons working in the field of aging, and the general public, including older persons. Delegates are to be selected without regard to political affiliation or past partisan activity and are to represent the spectrum of thought in the field of aging. Conference committees are to be composed of professional and public members, and are to include low-income and minority group representation. A majority of the public members of committees are to be 55 years or older.

The law also sets forth requirements as to the conference agenda and reporting requirements.

3. Amendments to the National School Lunch Act

The law amends the National School Lunch Act to permit adult day care centers to receive reimbursement under the Child Care Food program for meals or meal supplements (snacks) to persons 60 years or older or to chronically impaired disabled persons. (Previously the Child Care Food program provided funds for food service only to children in child care centers and family and group day care homes.) Program sponsorship for adult day care centers is limited to public and private non-profit sponsors, and for-profit sponsors if they receive compensation for adult day care under the Medicaid or Social Services Block Grant (SSBG) programs for at least 25 percent of their

enrollees. In order to participate, day care centers must be licensed or approved by Federal, State, or local authorities to provide care in a group setting on a less than 24-hour basis and maintain professional management responsibility for all services. Centers determined eligible to receive funds under this provision may also receive funds under the Older Americans Act nutrition programs, but may not receive benefits or reimbursement from both programs for the same meal served.

4. Alzheimer's Disease Tria

The Director of the NIA is authorized to conduct clinical trials on the efficacy of using therapeutic agents to treat Alzheimer's disease, to retard the progression of symptoms of the disease, or to improve the functioning of Alzheimer's patients.

5. Demonstration Projects for Health Care Services in the Home under the Public Health Service Act

The Public Health Service Act was amended to authorize 3-year demonstration projects to expand health care services in the home. The amendment consists of two parts. The first authorizes the Secretary of DHHS to award funds to at least three, but no more than five, States to seek ways to expand health care services in the home for low-income persons who might otherwise require lengthy hospital stays or institutionalization. Funds would support projects to identify the need for, to finance, and to coordinate skilled medical and/or related health services, but are not to be used to pay for currently financed public or private health care services. At least 25 percent of individuals to receive services must be 65 years or older.

The second part of this amendment authorizes the Secretary to award funds for demonstration projects in at least three, but no more than five, States to assist individuals with Alzheimer's disease and their families. The projects are to be designed to coordinate activities in the State relating to diagnosis, treatment, care management, respite care, legal counseling, and education services on behalf of Alzheimer's patients and their families, to provide home health care and other services, and to develop information programs on Alzheimer's disease.

For each of these parts, the law authorizes $5 million for each of FYs 1988, 1989, and 1990.

1. Effective Dates

The Older Americans Act Amendments were effective October 1, 1987. However, the amendments do not apply to any State or area plan on aging approved for any fiscal year which began before the enactment of P.L. 100-175 (November 29, 1987).